Affirmed — 15-131
— Judge Davis —

Judge Story
Dewitt.

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

No 6 — No. ~~416.~~ 192-196

ALBERT BOULDIN, W. H. FEARSON, ET AL., APPELLANTS,

vs.

JOSEPH ALEXANDER, HENRY WATSON, ET AL.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FILED JANUARY 7, 1870.

Dec. D. 1872

Affirmed — 15-131
— Judge Davis —

Judge Story
Swaine.

TRANSCRIPT OF RECORD.

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ALBERT BOULDIN, W. H. FEARSON, ET AL., APPELLANTS,

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APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

FILED JANUARY 7, 1870.

Dec. D. 1872

SUPREME COURT OF THE UNITED STATES.

No. 418.

ALBERT BOULDIN, W. H. FEARSON, ET AL., APPELLANTS,

vs.

JOSEPH ALEXANDER, HENRY WATSON, ET AL.

APPEAL FROM THE SUPREME COURT OF THE DISTRICT OF COLUMBIA.

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1 *Original bill.—Filed Sept.* 28, 1867.

In the supreme court of the District of Columbia.

JOSEPH ALEXANDER ET AL. *vs.* ALBERT BOULDIN ET AL. } 1054, equity docket 8.

Joseph Alexander, Henry Watson, Henry Scott, John Wiggins, John Middleton, William Laws, and Willis J. Minor, as trustees of the Third Colored Baptist Church of Washington City, District of Columbia, elected for the year 1867; Joseph Alexander, Charles Alexander, John Middleton, and William Minor, as trustees under an indenture made 1st of April, 1864, by Albert Bouldin and wife, and recorded in liber N. C. T., No. 37, folios 353 to 356, one of the land records for Washington County, D. C., bring this their bill of complaint against Albert Bouldin, William H. Fearson, Julius Bouldin, Essex Roberts, Manson Robinson, Martin V. B. Bogan, and J. W. Barnaclo.

2 To the honorable the justices of the supreme court of the District of Columbia, sitting in equity:

Humbly complaining, show unto your honors, your orators, as abovementioned, heretofore, to wit, in the year 1857, a large number of Christian individuals, professing the Baptist persuasion, joined together for the purpose of establishing a church organization, under the name of the Third Colored Baptist Church, and erecting for themselves a house of worship; that, in conformity with these intentions, the authorities of the said congregation employed said defendant Albert Bouldin, who was at the time one of the members, and licensed to preach, as their general agent to purchase suitable real estate as a building site, to make collections, to superintend the erecting of the house of worship, and do all other and necessary things for the accomplishment of their said common object; that subsequently said Bouldin was appointed

3 pastor of said church, and in 1862 he was authorized by the said church to buy from George H. Varnell all that part of lot No. 2, square 525, beginning at southwest corner of said lot; thence north 84 feet; thence east 78 feet 4½ inches; thence south 84 feet; thence west 78 4½ inches, to beginning, lying and being in the city of Washington, District of Columbia, as will appear by reference to said deed, recorded January 5, 1863, in liber J. A. S., No. 228, fol. 94, of said records; that, in pursuance of said agency and trust so as aforesaid reposed in him, the said Bouldin did buy the aforesaid land, for the purposes aforesaid, for the sum of $1,316 80. But the said Bouldin, with intent to cheat and defraud the said congregation, and by means of the trust so as aforesaid reposed in him, had a conveyance of the whole of said property made to himself, in his own name and for his own use; and to secure the payment for the said land to said Varnell, he,

4 the said Bouldin, and wife, made a conveyance to said defendant Bogan in trust, to secure the said Varnell the sum of $1,265 80.

And your orators show unto your honor that the said Bouldin has since paid and taken up the indebtedness due to said Varnell, and became the owner of said notes given to said Varnell, as he alleges; but, as your orators aver and charge, that he has paid the same with the moneys collected in and belonging to said church; and that, in fact, the said debt and trust to said Bogan, for the benefit of said Varnell, has been paid and satisfied by said Bouldin, in equity, for the benefit of said

church, and that the same ought now to be released. The said Bouldin represented to the authorities of said church that it was necessary, for the accomplishment of their said object of securing a suitable site to erect a church building thereon, that the said property should be
5 conveyed to him, as hereinbefore set forth. The authorities of said church, implicitly relying upon the integrity of said Bouldin, and being entirely ignorant of the facts and effects of the same, made no objection to anything that was done. After the said purchase, the said Bouldin, in violation of the special trust and confidence reposed in him as aforesaid, conveyed a portion of the said property to one Nelson Conner for the sum of $305 80, as will appear by reference to the deed of conveyance recorded in liber N. C. T., 58, fol. 235, and which they pray to read as part of this bill, and fraudulently appropriated the profits made on the sale thereof to his own use. Subsequently thereto the said Bouldin and wife conveyed another portion of said property to one Emeline Clark for the sum of $273—as will appear by reference to the deed of conveyance recorded in liber N. C. T., 58, fol. 71, and which they pray to read as part of this their bill—and, in violation of the special confidence reposed in him as aforesaid,
6 fraudulently appropriated the profits made on the sale thereof to his own use. The matters were not investigated, either as to the right of said Bouldin to make the said conveyances, or as to the amounts he received for them; and, in the mean time, many of the persons who were trustees in the original establishment of the church, and when the said Bouldin was employed as trustee and agent aforesaid, had left the city of Washington, and those remaining, together with new officers, all of whom for the most part were entirely ignorant of their rights, were called upon by said Bouldin to arrange definitely as to the property on which the new church, which was then building, stood. The said Bouldin represented to them that they were in debt to him in the sum of $620; and they, without any investigation, received a deed from said Bouldin and wife for the land used for the church building hereinbefore set out as deed recorded in liber N. C. T., No. 31, fol. 353, and
7 gave a deed of trust to said defendant J. W. Barnaclo to secure to said Bouldin the sum of $620, for which they gave their six promissory notes, dated 28th July, 1862, payable in one, two, three, four, and five years after date, each for $100, and the sixth for $120, payable at six years after date; all (with interest) of which will have subsequently been paid by said church.

Your orators further show unto your honor that the authorities of said church, still implicitly relying on the integrity of said Bouldin, continued him in his capacity of agent; and the said Bouldin in that capacity visited several cities, including New York, Philadelphia, and Baltimore, for the purpose of soliciting from those friendly to the said church alms and contributions. Many persons were found who were willing to give; and from some of the books of collections of said Bouldin's, which your orators have in their possession, it appears that the said Bouldin has collected, as such agent and as their pastor, the sum of $5,299 56. But your orators here charge and aver that the
8 said Bouldin has not returned all the books of collection, nor a true account of all the collections he has made on behalf of said church, but the said Bouldin has in fact collected large sums of money for and on behalf of the church, which he has fraudulently appropriated to his own use, in violation of the aforesaid trusts and confidences reposed in him; and hereby require said Bouldin, in his answer hereto, to definitely state the total amounts he has collected

on behalf of the church, and to produce all his books of collections which he has in possession or in any manner under his control, and, if there be any other than those in his control, *and if there be any other than those in his control*, to definitely describe the same and the persons who have possession of them.

Your orators further show unto your honors that the trust reposed in said Bouldin related also to the building of the said church; and that the said Bouldin was charged thereby, and undertook the super-
9 intendence of the expenditures and disbursements of all moneys belonging to said congregation. In this matter, also, the most unlimited confidence was reposed in the said Bouldin; and, although he had entire charge of the erecting of said church building, yet no investigation was made of the manner in which said Bouldin was executing his trust. A settlement at its completion was demanded by said Bouldin, who brought the church in debt to himself, for money expended in its erection, in the sum of about $1,600. Subsequently, however, your orators have investigated the said expenditures and accounts of said Bouldin, and find that the said church building only costs the sum of $5,182 12, being less by several thousand dollars than said Bouldin charged the said church. Your orators aver and charge the said Bouldin with fraudulently charging the said congregation with more than the said building cost, and not giving credit for all the sums he has received in payment
10 therefor; and that *for all the sums he has received in payment therefor and that* the last aforesaid settlement—which was made at the instance of said Bouldin, for the payment of said church, when your orators gave four notes, each for $400, to said Bouldin—was fraudulent and void, and obtained through the ignorance of your orators and the impositions of said Bouldin.

Your orators further show unto your honors that, several months ago, your orators were informed by persons that the said church building could not possibly have cost the sum they paid said Bouldin. This information at once caused your orators to require some explanations of the said Bouldin how the said building cost as much as they were charged. At once the said Bouldin became incensed at your orators, and, so often as the inquiry was renewed, the said Bouldin would become the more vituperative and abusive of your orators. In
11 the mean time the said Bouldin, still being continued in the said trust and confidence of the said church, and probably fearing investigation, and in violation of the said trust of the charge and superintendence of the said church reposed in him, caused—notwithstanding your orators were the legally elected trustees for said church during the present year, according to the rules of discipline of the Baptist Church in force in said congregation—a number of persons, to wit, said Julius Bouldin, William H. Fearson, Essex Roberts, Manson Robinson; and who, conspiring with said Albert Bouldin, have taken possession of said church building and premises, and have forcibly, and now do forcibly, keep your orators and some four or five hundred good people of said congregation from worshipping in said church, so as aforesaid erected for the most part with their contributions, while those who are the adherents of said Bouldin and his co-conspirators only number some
12 forty individuals; all of which said acts and doings are against good conscience and equity, and in violation of the said trust and confidence hereinbefore alleged to be reposed in said Bouldin.

Your orators therefore aver and charge that each and all of the hereinbefore recited acts and doings of the said Bouldin, and these of his associates, have been fraudulent and in violation of the trust reposed in

him, the said Bouldin; and against same your orators can only have adequate relief in a court of equity.

To the end, therefore, that the said Albert Bouldin may be decreed to discover and account for all the moneys he has received for any and all whatsoever out of or from said church; that he may be compelled, in aid of said discovery and account, to produce all and every book relating to the collections, receipts, and expenditures
13 made for or on behalf of said church; that he may be decreed to surrender up the said notes of the said Varnell, given by him, the said Bouldin, in part payment of said premises on which the church building stands, and the said Bogan to make a release of the said hereinbefore recited trust; that the said Albert Bouldin may be decreed to discover and account for the profits he has made on the sales he has made to said Connor, said Clarke, and said Danderson, and which may be decreed to be for the benefit of the said church, which were given to said Bouldin, and secured by deed of trust aforesaid to the said Barnaclo, may be decreed to be surrendered by the said Bouldin, and the said Barnaclo ordered to make a release of the said deed of trust to your orators; that the four notes of said church, each for $400, may also be decreed to be surrendered by the said Bouldin to your orators; that an account may be stated of how much is due by the said
14 Bouldin to the church, and that the said church may have judgment for such sums as may be found to be due; that the said Bouldin and his co-conspirators may be decreed to surrender up possession of said church building and premises, and forever restrained from interfering with the quiet possession of your orators and their successors in office; and that your orators may have such other and further relief as the nature of their case may require, and such as shall seem proper and right in the premises:

May it please your honors to grant unto them the United States writ of subpœna, commanding the said Albert Bouldin, William H. Fearson, Julius Bouldin, Essex Roberts, Mansen Robinson, Martin V. B. Bogan, and J. W. Barnaclo to appear, &c.

And your orators will ever pray, &c.

BRENT & PHILLIPS,
Solicitors for Complainants.

15 *Deed of conveyance from A. Bouldin & wife.*

ALBERT BOULDIN AND WIFE
to
TRUSTEES THIRD BAPTIST CHURCH, Washington, D. C.
} Deed, recorded April 11, 1864.

This indenture, made this 1st day of April, in the year of our Lord 1864, between Albert Bouldin and Priscilla Bouldin, his wife, of the city and county of Washington, D. C., of the one part, and Joseph Alexander, Charles Alexander, John Middleton, and William Minor, as trustees of the Third Baptist Colored Church, of the other part, witnesseth, that the said Albert Bouldin, and Priscilla, his wife, for and in consideration of the sum of $620, current money of the United States, to them in hand paid, at or before the sealing and delivery of these presents by the said parties of the second part, trustees of said church, the receipt of which is hereby acknowledged, hath given, granted,
16 bargained, and sold, enfeoffed, conveyed, released, and confirmed, and by these presents doth give, grant, bargain, and sell, enfeoff,

convey, release, and confirm, unto the said parties of the second part, trustees of the Third Baptist Church, and their heirs, successors, and assigns forever, a piece or parcel of ground and part of lot number two, in subdivisional by the said A. Bouldin, in square five hundred and twenty-five, (525,) and so distinguished on the plat or plan of the said city of Washington, D. C., and recorded in liber J. A. S., No. 228, folios 94, 95, and 96, one of the land records for the county of Washington, D. C., and so subdivided by the said A. Bouldin, commencing for the same at the southwest corner of said lot number two; thence east, on a line with L street, thirty-four feet (34) to a point; thence south sixty-four feet, (64;) thence west thirty-four feet (34) to a point; thence north sixty-four feet (64) to the place of beginning, and to be used
17 as the Third Colored Baptist Church, together with the buildings, improvements, rights, privileges, appurtenances, and other hereditaments to the same belonging, or in any manner appertaining, and the remainders, reversions, rents, issues, and profits thereof, and all the right, title, and interest, and estate of them, the said parties of the first part, in and to the same: To have and to hold the same unto and for the only use and behoof of them, the said parties of the second part, their heirs and assigns, forever.

And the said part of the first part, for themselves, their heirs, executors, and administrators, by these presents covenant, promise, and agree to and with the said parties of the second part, their heirs and assigns, in manner following, to wit: That they, the said parties of the first part, and their heirs, shall and will warrant and forever defend the said premises, with the appurtenances, hereby bargained and sold unto them, the said parties of the second part, their heirs and assigns, and
18 against them, the said parties of the first part, their heirs and assigns, and all persons claiming, or who may claim, by, under, or through them.

And further, that they, the said parties of the first part, and their heirs, shall and will at any and all times hereafter, at the request and cost of the said parties of the second part, their heirs and assigns, make and execute any and every other deed of assurance in law for the more sure and effectual conveyance of the said premises, with the appurtenances, to the said parties of the second part, their heirs and assigns, according to the true intent and meaning of these presents, that in the opinion of counsel learned in the law shall be necessary.

In testimony whereof the said Albert Bouldin and Priscilla Bouldin herewith set their hand and affixed their seal the day and year first hereinbefore written.

ALBERT BOULDIN.

her
PRISCILLA + BOULDIN.
mark.

Signed, sealed, and delivered in the presence of—
J. W. BARNACLO.

19 DISTRICT OF COLUMBIA,
County of Washington, ss:

I, Henry C. Cooper, a notary public in and for the county aforesaid, do hereby certify that Albert Bouldin, party to a certain deed bearing date on the 1st day of April, in the year of our Lord 1864, and hereunto annexed, personally appeared before me, at my county aforesaid, the

said Albert Bouldin, being personally well known to me as the person who executed the said deed, and acknowledged the same to be his act and deed.

Given under my hand and seal this 1st day of April, A. D. 1864.

[L. S.] HENRY C. COOPER,
Notary Public.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

I, Henry C. Cooper, a notary public in and for the county
20 aforesaid, do hereby certify that Priscilla Bouldin, wife of Albert Bouldin, party to a certain deed bearing date on the 1st day of April, in the year of our Lord 1864, and hereto annexed, personally appeared before me at my county aforesaid, the said Priscilly Bouldin being personally well known to me as the person who executed the said deed, and being by me examined privily and apart from her said husband, and having the deed aforesaid fully explained to her, she, the said Priscilla Bouldin, acknowledged the same to be her act and deed, and declared that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it.

Given under my hand and seal this 1st day of April, A. D. 1864.

[L. S.] HENRY C. COOPER,
Notary Public.

I, F. P. Cuppy, register of deeds for the District of Columbia,
21 do hereby certify that the foregoing and annexed is a true copy of a deed from Albert Bouldin to the trustees Third Baptist Church, recorded in liber N. C. T., No. 31, folio 353, of the land records for Washington County, in the District of Columbia.

Given under my hand and official seal this 18th day of September, A. D. 1868.

[L. S.] F. P. CUPPY, *Register.*

JOSEPH ALEXANDER ET AL. *to* J. W. BARNACLO. } Trust , recorded May 3, 1867.

This indenture, made this 1st day of April, in the year of our Lord 1864, by and between Joseph Alexander, C. W. Alexander, John Middleton, and Willis Minor, trustees of the Third Baptist Colored Church, of the city of Washington, of the District of Columbia, of the first
22 part, and J. W. Barnaclo, of the same place, of the second part, witnesseth:

Whereas the said parties of the first part are justly indebted to Albert Bouldin in the sum of $620, for which amount he holds their six promissory notes, dated the 28th day of July, 1862, and payable as follows, viz: one in one year, one in two years, one in three years, one in four years, one in five years, each for $100, and one in six years for $120, all of the said notes bearing interest until paid, to the order of the said A. Bouldin or his assigns:

And whereas the said parties of the first part are desirous to secure the full and punctual payment of said notes, and all interest, costs, and expenses that may accrue thereon, according to the true intent and meaning of the aforesaid promissory notes:

Now, therefore, this indenture witnesseth that the said parties
23 of the first part, in consideration of the premises and of the sum of

$1 to him in hand paid by the said party of the second part at and before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath given, granted, bargained, sold, aliened, enfeoffed, conveyed, and confirmed, and by these presents doth give, grant, bargain, and sell, alien, enfeoff, convey, and confirm, unto J. W. Barnaclo a piece or parcel of ground, and part of lot No. 2, in subdivisional by the said A. Bouldin, in square five hundred and twenty-five, (525,) and so distinguished on the plat or plan of the said city of Washington, D. C., and recorded in liber J. A. S., No. 228, folios 94, 95, and 96, one of the land records for the county of Washington, D. C., and so subdivided by the said A. Bouldin, commencing for the same at the southwest corner of said lot No. 2; thence east, on a line of L street, thirty-four (34) feet to a point; thence north sixty-four (64) feet;
24 thence west thirty-four (34) feet to a point; thence south sixty-four feet (64) to the place of beginning, and to be used as the Third Colored Baptist Church, together with all and singular the improvements, privileges, hereditaments, and appurtenances to the same belonging or in any manner appertaining: To have and to hold the same unto and to the use of the said party of the second part: In trust, nevertheless, for the uses and purposes following, and none other, that is to say: to suffer and permit the said parties of the first part, their heirs and assigns, to have, hold, use, occupy, possess, and enjoy the said premises, with the appurtenances, as aforedescribed, and the rents, issues, and profits of the same to take, receive, and apply to their own use until some default or failure shall have been made in the payment of the said debt due as aforesaid to the said A. Bouldin or his assigns, or in any part thereof, or of any proper interest, costs, and charges
25 thereon, or which may accrue thereon; and upon any and every such default or failure being made in the payment as aforesaid, the said party of the second part shall, at the request, in writing, of the said A. Bouldin, or his assigns, may proceed to sell and dispose of the said premises as aforedescribed, or so much thereof as he may deem necessary, at public sale, to the highest bidder, upon such terms and conditions as the said party of the second part may deem most for the interest of all parties concerned in said sale, first giving thirty days' notice of the time, place, and terms of said sale by advertisement in some newspaper printed and published in the city of Washington, and such sale to repeat or postpone from time to time as he, the said party of the second part, may deem expedient; and out of the proceeds arising from such sale or sales, (after paying the proper expenses thereof, and
26 other expenses of this trust, including five per centum on the gross amount of said sale or sales, as compensation to said trustee for his trouble and diligence in executing this trust,) to pay, in the first place, whatever of said debt, interest, costs, and expenses may be due and unpaid at the time of such sale or sales; secondly, to pay whatever of said debt, interest, costs, and expenses which may then remain unpaid, although the same may have not then become due and payable; and, lastly, the surplus, if any, to pay over to the said parties of the first part, [their] executors, administrators, or assigns; and, in the event of any such sale or sales under the provisions of this trust, to convey to the purchaser or purchasers, on his or their compliance with the terms of sale, all right, title, and estate, legal and equitable, of the said
27 parties of the first part in and to the premises sold, free from any liability for the application of the purchase-money.

In testimony whereof the said parties of the first part have hereunto

set their hands and affixed their seals the day and year first hereinbefore written.

JOSEPH ALEXANDER. [L. S.]

CHARLES his + mark. ALEXANDER. [L. S.]

JOHN his + mark. MIDDLETON. [L. S.]

WILLIS his + mark. MINER. [L. S.]

Signed, sealed, and delivered in the presence of—
J. W. BARNACLO.
HENRY C. COOPER, *N. P.*

DISTRICT OF COLUMBIA, *County of Washington, to wit:*

I, Henry C. Cooper, a notary public in and for said district, do hereby certify that Joseph Alexander, Charles Alexander, John Middleton, and Willis Miner, parties to a certain deed bearing date on the 1st
28 day of April, in the year of our Lord 1864, and hereto annexed, personally appeared before me, in said county and district aforesaid, the said Joseph Alexander, Charles Alexander, John Middleton, Willis Miner, trustees of the Third Colored Baptist Church, in Washington, D. C., being well known to me to be the persons who executed the said deed, and acknowledged the same to be their act and deed.

Given under my hand and official seal this 1st day of April, A. D. 1864.

[L. S.] HENRY C. COOPER,
Notary Public.

I, F. P. Cuppy, register of deeds for the District of Columbia, do hereby certify that the foregoing and annexed is a true copy of a deed of trust from J. Alexander and others to J. W. Barnaclo, recorded in liber E. C. E., No. 4, folio 180, &c., one of the land records for the county of Washington, District of Columbia.

Given under my hand and official seal this 18th day of September, A. D. 1868.

F. P. CUPPY, *Register.*

29 *Exhibit to bill.—Filed Oct.* 22, 1869.

ALBERT BOULDIN & WIFE *to* MARTIN V. B. BOGAN. } Deed of trust, recorded 22d August, 1862.

This indenture, made this twelfth day of August, in the year of our Lord one thousand eight hundred and sixty-two, by and between Albert Bouldin, and Priscilla Bouldin, his wife, of the city and county of Washington, of the District of Columbia, of the first part, and Martin Van Buren Bogan, of the city and county of Washington, and District of Columbia, of the second part, witnesseth:

Whereas the said party of the first part are justly indebted unto George H. Varnell in the sum of twelve hundred and sixty-six $\frac{86}{100}$ dollars, for which amount he holds seven promissory notes, with interest, bearing date the 28th day of July, A. D. 1862, and payable to his order or assigns as follows: No. 1, note for one hundred and fifty dollars, on

or before the 20th day of September, A. D. 1862; No. 2, payable in one year after date, for one hundred and eighty-six dollars and thir-
30 teen cents, and dated the 28th day of July, A. D. 1862; No. 3, dated 28th July, A. D. 1862, and payable two years after date, for one hundred and eighty-six dollars; No. 4, dated July 28th, 1862, and payable three years after date, for one hundred and eighty-six dollars & $\frac{13}{100}$ dollars; No. 5, dated July 28th, 1862, and payable four years after date, for one hundred and eighty-six & $\frac{13}{100}$ dollars; No 6, dated July 28th, 1862, and payable five years after date, for one hundred and eighty-six & $\frac{13}{100}$ dollars; No. 7, dated July 28th, 1862, A. D., and payable 6 years after date, for one hundred and eighty-six $\frac{13}{100}$ dollars; all the said and several notes bearing interest and payable to the order of the said George H. Varnell, or his assigns:

And whereas the said party of the first part are desirous to secure the full and punctual payments of said notes, and all interest, costs, and expenses that may occur thereon, according to the true intent and meaning of the aforesaid promissory notes:

Now, therefore, this indenture witnesseth that the said party of the first part, for and in consideration of the premises, and of the
31 sum of one dollar to them in hand paid by the said party of the second part, at and before the unsealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath given, granted, bargained, and sold, aliened, enfeoffed, conveyed, and confirmed, and by these presents doth give, grant, bargain, and sell, alien, enfeoff, convey, and confirm, unto Martin Van Buren Bogan all that certain piece, parcel, or lot of ground situate, lying, and being in the city of Washington, District of Columbia, and which is known and designated as part of lot numbered two, (2,) in square numbered five hundred and twenty-five, (525,) and is known and distinguished on the plat or the plan of said city of Washington, commencing for the same at the southwest corner of said lot No. (2) two, (2;) running thence north eighty-four feet, (84;) thence east seventy-eight feet four inches and a half, (78 4½;) thence south eighty-four feet, (84;) thence west seventy-eight feet four inches and a half (78 4½) to the place of begin-
32 ning, containing 6,584 square feet of ground, be the same more or less, together with all and singular the improvements, privileges, hereditaments, and appurtenances to the same belonging or in any manner appertaining: To have and to hold the same unto and to the use of the said Martin Van Buren Bogan:

In trust, nevertheless, for the uses and purposes following, and none other, that is to say: to suffer and permit the said party of the first part, their heirs and assigns, to have, hold, use, occupy, possess, and enjoy the said premises, with the appurtenances, as aforedescribed, and the rents, issues, and profits of the same to take, receive, and apply to their own use until some default or failure shall have been made in the payment of the said debt, due as aforesaid to the said George H. Varnell or his assigns, or in any part thereof, or of any proper interest, costs, and charges thereon, or which may occur thereon; and, upon any and every such de-
33 fault or failure being made in the payment as aforesaid, the said party of the second part shall, at the request in writing of the said George H. Varnell, his heirs, or assigns, proceed to sell and dispose of the premises as aforedescribed, or so much thereof as he may deem necessary, at public sale, to the highest bidder, upon such terms and conditions as he, the said party of the second party, may deem most for the interest of all parties concerned in said sale, first giving twenty days' notice of the time, place, and terms of said sale by advertisement

in some newspaper printed and published in the city of Washington, and such sale to repeat or postpone from time to time as he, the said party of the second part, may deem expedient, and out of the proceeds arising from such sale or sales, (after paying the proper expenses thereof and other expenses of this trust, including five per centum on gross amount of said sale or sales as compensation to said trustee for his
34 trouble and dilligence in executing this trust,) to pay, in the first place, whatever of said debt, interests, costs, and expenses may be due and unpaid at the time of such sale or sales; secondly, to pay whatever of said debt, interest, costs, and expenses may then remain unpaid, although the same may not then have become due and payable; and, lastly, the surplus, if any, to pay over to the said Albert Bouldin, his heirs, executors, administrators, or assigns, and in the event of any sale or sales under the provisions of this trust, to convey to the purchaser or purchasers, on his or their compliance with the terms of sale, all right, title, and estate, legal and equitable, of the said party of the first in and to the premises sold, free from any liability or the application of the purchase-money.

In testimony whereof the said parties of the first part hath hereunto set their hands and affixed their seals the day and year first hereinbefore written.

ALBERT BOULDIN. [SEAL.]

PRISCILLA her + mark. BOULDIN. [SEAL.]

Signed, sealed, and delivered in presence of—
J. W. BARNACLO.
T. H. CLAYTON.

35 DISTRICT OF COLUMBIA, *County of Washington, sct:*

We, J. W. Barnaclo and Thomas G. Clayton, justices of the peace in and for the county aforesaid, do hereby certify that Albert Bouldin, party to a certain deed bearing date the 12th day of August, in the year of our Lord one thousand eight hundred and sixty-two, and hereto annexed, personally appeared before us, at our county aforesaid, the said Albert Bouldin, being personally well known to us, the person who executed the said deed, and acknowledged the same to be his act and deed.

Given under our hands and seals this 12th day of August, A. D. 1862.

J. W. BARNACLO, *J. P.* [SEAL.]
T. G. CLAYTON, *J. P.* [SEAL.]

DISTRICT OF COLUMBIA, *County of Washington, sct:*

36 We, J. W. Barnaclo and Tho's G. Clayton, justices of the peace in and for the county aforesaid, do hereby certify that Priscilla Bouldin, wife of Albert Bouldin, party to a certain deed bearing date on the 12th day of August, in the year of our Lord one thousand eight hundred and sixty-two, and hereto annexed, personally appeared before us, at our county aforesaid, the said Priscilla Bouldin, being personally well known to us as the person who executed the said deed, and being by us examined privily and apart from her said husband, and having the deed aforesaid fully explained to her, she, the said Priscilla Bouldin, acknowledged the same to be her act and deed, and declared that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it.

Given under our hands and seals this 12th day of August, A. D. 1862.

J. W. BARNACLO, *J. P.* [SEAL.]
T. G. CLAYTON, *J. P.* [SEAL.]

37 I, E. C. Eddie, register of deeds for the District of Columbia, do hereby certify that the foregoing and annexed is a true copy of a deed of trust from Albert Bouldin & wife to Martin V. B. Bogan, recorded in liber J. A. S., No. 220, folio 343, &c., of the land record of Washington County, in the District of Columbia.

Given under my hand and official seal this 16th day of August, A. D. 1867.

EDWARD C. EDDIE, *Register.*

38 *Summons to answer.—Issued Sept.* 28, 1867.

In the supreme court of the District of Columbia, Sept. 28, 1867.

JOSEPH ALEXANDER ET AL., COMPLAINANTS, *vs.* ALBERT BOULDIN ET AL., DEFENDANTS. } No. 1054.—Equity doc. 8.

The President of the United States to Albert Bouldin, W'm H. Fearson, Julius Bouldin, Essex Roberts, Manson Robinson, Martin V. B. Bogan, and J. W. Barnaclo:

You are hereby commanded to appear in this court at its first special term occurring twenty days after service of this subpœna, and answer the exigency of the bill, under pain of attachment and such other process of contempt as the court shall award.

Witness D. K. Cartter, chief justice.

R. J. MEIGS, *Clerk.*

MEMORANDUM.—That the defendants are to enter their appearance in this suit in the clerk's office on or before the special term to which this writ is returnable; otherwise the bill may be taken for confessed.

39 *Marshal's return on summons to answer.*

Sum'd all.

D. S. GOODING, *Marshal.*

SEPT. 30TH, 1867.

Affidavit of Albert Bouldin.—Filed Oct. 28, 1867.

In the supreme court of the District of Columbia.

JOSEPH ALEXANDER & OTHERS *vs.* ALBERT BOULDIN AND OTHERS. } Equity, No. 1054.

On this 28th day of October, A. D. 1867, Albert Bouldin, one of the defendants in the above-entitled cause, and pastor of the Third Colored Baptist Church in the city of Washington, and District of Columbia, personally appeared before me, and made oath that he is a trustee
40 and also pastor of said church, and has been such since the month of June, A. D. 1858, and that of his own means he purchased certain

books hereinafter named for the use of said church and his own private use and convenience; that said books, intended for the use of the church, were kept therein for readiness of access, and were known by the following names, to wit:

1st. The church record or leger, containing the names of members, election of trustees, and business transactions of the church.

2d. A penny-collection book, used also for subscriptions.

3d. Three small books, leather-covered, used for private and church accounts.

4th. One subscription book, containing the names of persons making donations to the church, and two papers containing accounts of expenditures, &c.

And the affiant further says that the complainants have improperly obtained possession of said books, and are now holding them, and
41 deny the affiant access to them; that an inspection of said books is absolutely necessary to the ends of justice for this affiant and his co-trustees and co-defendants; that they cannot prepare their answers with any degree of accuracy or certainty, nor make a proper and just defence to the said suit, without having free access to said books; that a reference to the matters, statements, and items of account in them contained is material and essential to the affiant's rights and interests, and also to the best interests of his co-trustees and the said church, and that the same ought of right to be brought into court by the complainants for reference and inspection by the defendant and his co-defendants.

ALBERT BOULDIN.

Sworn to and subscribed before me on the day and year first above written.

[SEAL.] J. W. BARNACLO, *J. P.*

42 *Appearance of J. E. Norris, esq., for def'ts.*

ALEXANDER ET AL. *vs.* BOULDIN ET AL. } 1054, equity doc. 8.

Order for complainants to produce books.—Filed Nov. 11, 1867.

In the supreme court of the Dist. of Columbia.

JOSEPH ALEXANDER & OTHERS *vs.* ALBERT BOULDIN & OTHERS. } Equity, No. 1054.

Ordered, on this 11th day of November, 1867, that the complainants do forthwith bring into court, and deposit with the clerk, for the inspection of all parties concerned in this suit, the books and papers mentioned in the defendant's (Bouldin's) affidavit filed on the 28th day of October, 1867.

By order of the court.

43 *Order for complainants to show cause.—Filed Nov.* 25, 1867.

JOSEPH ALEXANDER ET AL.
vs.
ALBERT BOULDIN ET AL. } Equity, 1054.

It being represented to the court that the order entered in this cause requiring the complainants to produce in court, for the inspection of the defendants, certain books and papers, has been duly executed by service, and that the books named in the affidavit, and referred to by the said order, have been produced, but that the two papers containing accounts, receipts, and expenditures of monies mentioned in said affidavit, and referred to in said order, have not been produced, as required, it is ordered, on this 25th day of November, 1867, that the said complainants mentioned in the affidavit of Albert Bouldin do appear before this court
on Wednesday, the 27th day of November, at 10 o'clock a. m.,
44 and show cause, if any they have, why they shall not be attached for their contempt of the said order of the court, unless in the mean time said papers are produced, as required in said order.

By order of the court.

Rule to show cause on complainants.—Issued Nov. 25, 1867.

In the supreme court of the Dist. of Columbia, November 25th, 1867.

JOSEPH ALEXANDER ET AL., TRUSTEES, &C.,
vs.
ALBERT BOULDIN ET AL. } 1054, equity.

The President of the United States to Joseph Anderson, Henry Watson, & others, trustees, &c., greeting:

For causes and reasons set forth and shown in the affidavit of def't Bouldin filed in this cause, you are hereby enjoined and strictly ordered to show cause before said court, on Wednesday, November 27, 1867, at 10 o'clock a. m., why you, and each of you, shall not be attached for contempt of said court in refusing or neglecting to produce and
45 file in the clerk's office of said court, as required by the order of said court, "two certain papers containing accounts of receipts and expenditures of money," and mentioned in the pleadings of said cause. Hereof fail not, under pain of attachment and such other process of contempt as may be issued by the court against you.

Witness D. K. Cartter, chief justice, &c.

R. J. MEIGS, *Clerk.*

Marshal's return.—Feb'y 25, '68.

Not to be found.

D. S. GOODING, *Marshal.*

FEB'Y 25TH, '68.

Order for further time to answer.—Dec. 3*d*, 1867.

ALEXANDER & OTHERS
vs.
BOULDIN & OTHERS. } 1054, equity.

The defendants in this cause are allowed until Monday, the 17th day of December instant, to file their answer.

Dec'r 3d, 1867.

By order of the court.

46 *Answer of Albert Bouldin et al.*

In the supreme court of the District of Columbia.

JOSEPH ALEXANDER, HENRY WATSON, AND OTHERS
vs.
ALBERT BOULDIN, W'M H. FEARSON, AND OTHERS. } Equity, No. 1054.

The separate answer of Albert Bouldin to the bill of complaint exhibited against him and others by Joseph Alexander and others in the supreme court of the District of Columbia.

This defendant, saving and reserving, &c., for answer to the said bill, or unto so much or such parts thereof as he is advised is material for him to make answer unto, he answers and says that it is true, as stated in the bill, that Joseph Alexander, Charles Alexander, John Middleton, and Willis J. Minor (together with this defendant) were the trustees of the Third Colored Baptist Church of the city of
47 Washington on the first day of April, 1864; but he denies that they, or any of the other complainants named in the said bill, are trustees, nor was either of such at the time of filing said bill. And this defendant now proceeds to represent the manner and state the time of their removal from the trusteeship. About one year after the execution of the said indenture of the first day of April, 1864, there was a notice given by the pastor for the selection of new trustees and deacons, as the entire burden of the church debt was upon this defendant, and he desired to have two bodies that might attend to their respective duties without interfering with the business of each other, as is required by the discipline of the church; and the defendant says that all of the said trustees named in said deed of trust were dropped except Willis
48 J. Minor and this defendant, and Chelsa Unkhart, John H. Wiggins, and Henry Watson were chosen in their stead as trustees. The said Unkhart was afterwards dismissed from the church and trusteeship. And this defendant further states that the said Willis J. Minor was dismissed from the trusteeship for failing to pay over church money that came into his hands—at one time $10, and at another $2 50, money sent to this defendant by William Winter, the treasurer of said church.

And this defendant, further answering, says that the said Charles Alexander has deceased nearly three years ago. And he further states that, on the 16th day of June, 1867, the said Joseph Alexander, Henry Watson, Henry Scott, John Wiggins, John Middleton, William Laws, and Willis J. Minor were each and every one expelled from mem-
49 bership in the said church for the reason that they, with others, had, as this defendant avers and expects to prove, seceded from the said church, and formed themselves into a congregation independent of the Third Colored Baptist Church. And he further avers and expects to prove that the said Willis J. Minor, Joseph Alexander, and John Middleton aforesaid had been removed from their trusteeship, by a vote of the congregation of said church, on the 10th day of June, 1867; that their removal as trustees was brought about by a motion made by the said Willis J. Minor, on the 7th of June, 1867, to turn out all the old trustees and deacons, and elect new ones in their places, which motion was laid over for consideration till the said 10th day of June, when it was acted on, and the said trustees were removed.

And this defendant, further answering, avers that the said
50 Joseph Alexander, Henry Watson, Henry Scott, John Wiggins,

John Middleton, William Laws, and Willis J. Minor are not trustees of the said church, as they falsely and fraudulently allege and pretend in their said bill of complaint; but this defendant avers, and expects to prove, that this defendant, William H. Fearson, Julius Bouldin, Essex Roberts, Mansen Robinson, Charles Pearson, and Edward Dixon are the duly elected and constituted trustees of said church; that they were duly elected as such trustees on the 10th day of June, 1867, and have been acting as such from that time, and are still so acting, fully recognized by the society worshipping in said church.

And this defendant, further answering, says that it is not true, as alleged in the bill, that in the year 1857 "a large number of
51 Christian individuals professing the Baptist persuasion joined together for the purpose of establishing a church organization under the name of the Third Colored Baptist Church, and for erecting themselves a house of worship." This allegation is without any foundation in fact. On the contrary, this defendant avers that there were but three persons besides this defendant who formed the nucleus of said congregation, and that its increase under the embarrassments incidental to their feebleness was slow, though gradual, for several years. The names of those three persons were Michael Meredy, (now deceased,) Eliza Meredy, and Betsey York, both living, and acting as worthy members of said church. The congregation of the said church was formed by the labors of this defendant and the said persons; and he avers
52 that not one of the complainants, for several years succeeding, was a member or a worshipper at said church.

And this defendant further states that the said congregation held its religious meetings at the private dwelling-house of this defendant for the period of one year from the time of its organization, and then, as since, this defendant was preaching to those who joined their society from time to time, and laboring incessantly to build up a congregation.

And this defendant further says that it is not true, as stated in the bill, that he was appointed as general agent to purchase suitable real estate as a building site, to make collections, and to suprentend the erection of a house of worship, and so forth, for said congregation. Contrariwise, he says that the project of procuring a site and of erecting a church building for public worship originated exclusively with
53 this defendant; and he avers that, in the year 1859, he purchased, with his own private means and for his own private purposes, from Mr. Shelby Parker (afterwards consummated the contract with Mr. George H. Varnell) a lot of land fronting 84 feet on Fourth street, and 78 feet 6 inches on L street, in the city of Washington; that he agreed to sell for the use of said church a part of the said lot, and did sell it subsequently, as he hereinafter shows, for the price of $620. And he further states that he owned the said lot of ground for several years before said part was sold off, and that, having paid a part cash, and having a credit on the residue, he gave the church a long time for payment.

And this defendant further states that the said lot cost him, principal and interest, about $1,800, and that there is due him now on the purchase-money, principal and interest, for the part sold for the use of the said church, the sum of $478 51.

54 And this defendant, further answering, says that the said congregation was not only small, as he has shown, in its infancy, but was very poor, and, in truth, has always been poor, and that he advanced and contributed freely of his own private means to help along with said church building and other necessary expenses. Pecuniarily,

this defendant was in a better condition than many of his colored bretheren. When he came to Washington from the State of Virginia, he brought with him the sum of $7,780 in gold and silver, and never hesitated to advance a portion of his means to assist the church to which he was devoted to a reasonable extent, as he is prepared to prove. He will show, at the proper time, that he became personally responsible for large sums of money for material for the church building and for work done upon , and gave his own notes, and often lifted them with his own means.

This defendant it is true, as stated in the bill, that he re-
55 ceived from said Varnell the deed for said lot of land, as mentioned in the bill; but he positively denies that he was authorized or directed by the authorities of said church to do so at that or any other time; that the statement is without the slightest foundation in fact or semblance of truth. On the other hand, he avers, as he has before stated, that he negotiated with the said Parker as early as the year 1859 for the said lot of land, and finally completed the contract with Mr. Varnell, as hereinbefore set forth; made the purchase for his own use and of his own means; and held it in his own exclusive possession from the time of the first negotiation; and rented it out as a garden spot to one W'm Danderson and a Mr. Johnson for a period of over three years before the sale of the part of the same to the said church.

Neither the complainants, nor others representing or preten-
56 ding to represent the church, had any interest in the said lot, and did not and could not make any claim to it, or any part thereof, until that interest was acquired by the sale of the said part for the use of the said church.

This defendant says it is true, as stated in the bill, that he executed a deed of trust to the said Bogan, to secure the said Varnell for part of the purchase-money on said lot. This amount he has paid off as aforesaid; but he denies that he used any of the money of the said church for that purpose, and avers that the charge is utterly untrue, and he reiterates the averment that the said debt was paid from his own private means. This defendant denies that he ever told the authorities of said church, or intimated to them, or gave them or any of them to understand, that it was necessary that said conveyance of said lot should be made to this defendant. No such conversation ever occurred between him and the said church authorities, or any of them. He fur-
ther says there existed no reason or ground for such an arrange-
57 ment, and it never entered into the mind of this defendant. He emphatically denies the allegation, and repels it as a premeditated slander.

This defendant admits that he made the sales and conveyances of the parts of said lot of land at the times and for the sums respectively as stated in the bill to Nelson Connor, Emaline Clark, and William Danderson.

This defendant says it is utterly false, as alleged in the bill, "that the trustees in the original establishment of the church had left the city of Washington." The same persons are here now, and always have been here, except Charles Alexander and Michael Meredy, who have deceased.

This defendant admits that he did claim the amount of $620 as the purchase-money for the site for the said church, as he had right to do,
which he has fully above stated, and also that he and his wife
58 executed the deed for the same mentioned in the said bill, and that a deed of trust was taken; but he denies that the deed of

trust was taken at the time of the execution of said deed, and avers that the said deed of trust was not executed by the said trustees to the said J. W. Barnaclo to secure the promissory notes therein mentioned until the 1st day of April, 1864, when the said church was partly completed; but he that the said notes secured in the said deed of trust bear date on the 28th day of July, 1862, and were so intended at the time of the execution of the said deed of trust, and notes to run from the date of the purchase of said part of lot from this defendant.

This defendant further states that, when the said deed of trust was duly acknowledged, it was left in the hands of the trustee, Mr. J. W. Barnaclo, who immediately handed it over to the complainant
59 Joseph Alexander, as he is informed and believes, and expects to prove; and that the said Alexander, instead of giving it to this defendant, as he was in duty bound to do, and as was intended he should, fraudulently withheld the same from him, and prevented it from being recorded for more than three years, as by inspection of the original (to which reference is here made) will fully appear. Inquiry was made by this defendant from time to time for the said deed of trust, after this defendant had discovered that it had not been recorded; but no clue to it could be ascertained until the controversy which is the foundation of this suit arose, when the said Alexander, as this defendant is informed and believes, and expects to prove, on the 3d day of May, 1867, from motives best known to himself, placed it upon record.

And this defendant dnies the allegation that he was ever de-
60 puted or sent as agent for said church to collect alms or contributions; on the other hand, he went of his own motion, and at his own private expense, twice to the city of Philadelphia, for the purpose of procuring aid for said church, and collected on the two trips the gross amount of $457, and no more. These collections were made in the year 1864; and he afterwards collected in the same manner, and for the same purpose, $25 from Mr. Ulysses Ward, and the like sum from Messrs. J. Cooke & Co., of this city, making in all the sum of $507. To make these collections, this defendant says that he got Dr. Hill and Mr. Gilbert and Mr. Powell to give him a recommendation, as will appear from an inspection of the collections book, now in possession of the honorable court. This money was all faithfully applied for the use and benefit of the said church, to wit: $224 was paid to George W. Utermehle,
61 money borrowed for the use of said church; $224 was credited on the account of $1,785 owing by said church on the building, entered up in Mr. Chauncery Leonard's handwriting; and the residue was applied to the payment of various bills against the said church. This defendant avers that these are the only monies collected by him in Philadelphia.

This defendant states that he never went to the city of New York on a collection tour, and avers that he never was in said last-mentioned city in his lifetime, except once in the year 1860, and then not on a collection tour; nor did he ever make any collections in the city of Baltimore, and knows nothing of any such collections, except by Mr. John Wiggins, who made an effort to collect funds in Baltimore; and, though he was an honest and faithful man, he failed to realize even the
62 amount of his expenses. As to these transactions, this defendant is willing to abide by the books of collection, if they have not been altered since they passed out of his hands; and he further states that he has no other books of collections, nor does he know of any others than those which were in the hands of the complainants, and they are now in the clerk's office, under the control of this honorable court.

This defendant further states that the charge in said bill, that he has collected in manner as aforesaid, or in any other way or place, the sum of $5,299 56, or any other large sums except as aforesaid, is reckless and false in every particular. No such transactions ever took place, nor has this defendant ever appropriated any money or monies of said church to his private use and purposes. In fact, he avers that no opportunity ever occurred to make such appropriation, as the church was
63 ever in arrears, and unable to meet the demands upon it; and this defendant often had to borrow money to meet just claims, and even paid exorbitant interest to relieve the church from embarrassment.

This defendant further says that it is true, in a certain sence and to some extent, that this defendant was charged with the building of said church building and a suprentendence over the expenditures and disbersements of the same; and he states for the simple reason this was so, as the said congregation had but $80 when the said building was commenced; and this defendant was compelled to shoulder the whole responsibility, and actually borrowed money on his own account, (having invested and expended much of the means he had when he came to this city,) and, in fact, gave a deed of trust on his own property to
64 raise money to aid in the building of said church. The application of all moneys coming from ever source passed into the hands of the treasurers of the church, and he doubts not the integrity of their action. The persons who held this position from the original organization of the church are as follows: George Edmonds, Joseph Alexander, Willis J. Minor, John Middleton, Julius Bouldin, and Willian Winters. The last-named person was deficient in his returns to the amount of $26 30; and the said Middleton was frauded out of the sum of $18 at one time, and $10 at another time, and of $5 on another occasion.

This defendant says it is true that a settlement was made at the completion of said church, and that the said church was found in debt to this defendant in the sum of $2,400. This sum he avers was actually due him for money that he had laid out and expended for said
65 church, and which in concience he was entitled to receive. Not one dollar of this amount was for services, but merely due him for actual outlay in cash. These settlements, mad , the one in 1865, and the other in 1864, were spread upon two single sheets of paper, which are now in the possession of the complainants, and which this defendant has used ever effort to have an inspection of, but hitherto his efforts have been unsuccessful. He has even asked the aid of your honorable court, first in the form of a rule to show cause why they should not produce the said papers in court; and, secondly, an attachment for their contempt in not producing the said papers; the only response given was that the said papers would be forthcoming. This defendant cannot, by reason of the fraudulent retention of said papers, set out the particulars of said statements; but he recollects the
66 aggregates, and avers that the said settlements were fair, open, and honest, and he pray that the said complainants may be ordered to produce the said papers in court. These papers, which are in the handwriting of Messrs. Post, Leonard, Gains, and Mace, contain full statements of these several settlements, and will show upon their face the falsity of the allegations of the complainants; and this defendant cannot suppress the conviction that their reluctance to produce them aris·s from a consciousness that they will, if produced, arrest the recklessness of the complainants and vindicate the integrity and good faith of this defendant.

This defendant cannot now state what amount the sum of total of the

cost of said church was, as there were many articles of expenditure which he cannot now recollect. He does recollect that a second roof was put on at a considerable expense, instead of a gravel roof, which was placed upon the building. But he does most positively aver
67 that he did not charge the said congregation with more than the said building cost, and also that he never did withhold any credit to which they were entitled. And, in fact, he says that all his dealings with the said congregation were through the official members of the church, and were in candor, fairness, good faith, and honesty, and that no advantage was ever taken or attempted to be taken of their simplicity, ignorance, or want of business capacity. And he further states that the official members have in their possession, or had at the time of *of* the transactions, receipts for all the expenditures and outlay for said church building, and can ascertain by inspection of the same the various items and the aggregate cost of the same as well as the expenses attending the support of the church.

And this defendant says that it is not true that the complain-
68 ants gave four promissory notes for the amount due him; but he says they executed six promissory notes, each for the sum of $400, in the year 1865, to this defendant on a final settlement and ascertainment of the debt due to this defendant for the balance due to him; and he further says that the said amount was actually, and in good faith, due to him, and that the said amount is now due to him, except the sum of $75, which has been paid on one of said notes, and the sum of $103 55 on another note, and $25 for old rafters, credited on the last-mentioned note.

This defendant says that he does not know whence the complainants derived their information that the said building did not cost the amount stated in the said bill, but he avers that the same did cost the full amount therein set forth, and that the amount claimed by the defendant is justly due and owing him.

This defendant says that no inquiries were ever made of him for an explination how the said building cost so much, except in the
69 month of June, 1867, when this defendant answered that they had full statements, and he did not, as alleged, become violent, abusive, or vituperative toward the complainants.

This defendant says that he had no reason to be guilty of such conduct, if it had been in accordance with his general behavior, inasmuch as all matters relating to said expenditures had been fully adjusted and settled two years before that time. And he further says that his differences with the complainants did not originate in reference to the said expenditures, but he says they did arise, in truth and in fact, in relation to the conduct of certain members of said church, whose conduct was irregular, and gave offence to other members of said congregation. And this defendant admits that he and the said Julius Bouldin, W'm H. Fearson, Essex Roberts, and Mansen Robinson do now hold
70 possession of said church; but he denies all conspiricy or combination to hold the same against conscience or right, or that they forcibly hold the same, but avers that they hold the said church property of right as the constituted and proper trustees of the same; and he further says that no restraint or prohibitation lies against the complainants, or any other persons desiring to worship in said church, to exercise and enjoy all the priviliges and benifits of said church; and he further denies that the said complainants represent four or five hundred good people worshipping in said church, or even the half of that number; but he says that not over one dozen of the regular members

of said church are represented by the said complainants, and they are persons who have never contributed anything toward the building or support of said church; and he further states that it is false that
71 the persons remaining in said congregation do not exceed the number of fifty persons, but he avers that the regular worshipping members therein number over one hundred and seventy-five, who are of long and regular standing as members of the said church, and support and sustain the same with their means and by their piety, whilst he is sorry to be compelled to say that those who are concerned in disturbing the peace of the congregation have never been in regular connection with it, and have been better known to the conservators of the peace of the city of Washington than to the pastor of said church.

This defendant further states that the complainants, and those whom they profess to represent, had little or nothing to do with the formation of the said congregation or the building of the said church. These
72 objects were acomplished before they ever had any knowledge of, or connection with, the said church. The ground on which the said church was built was purchased with the means of this defendant, and the money was furnished by him from time to time for the construction of the said building.

And in truth and in fact he says that he was not called to take charge of said church and congregation, but that he formed the said congregation, and brought the members together, and raised the said church building as a place of worship.

The facts he is prepared to prove by competent testimony.

And having answered, and denying all fraud and covin, he prays to be dismissed hence with his reasonable costs in this behalf expended.

ALBERT BOULDIN.

NORRIS & MERRICK,
Solicitors for Defendant.

73 Subscribed and sworn to before me this 17th December, 1867.
R. J. MEIGS, *Clerk.*

Answer of Julius Bouldin et al.

In the supreme court of District of Columbia.

JOSEPH ALEXANDER ET AL.
vs.
ALBERT BOULDIN ET AL. } Equity, No. 1054.

The joint and several answer of Julius Bouldin, William H. Fearson, Mansen Robinson, Charles Parsons, and Edward Dixon to the bill of complaint exhibited against them, and Albert Bouldin and others, by Joseph Alexander and others.

These defendants now and at all times hereafter, saving and re-
74 serving, &c., for answer to said bill, or to so much and to such parts thereof as they are advised is material for them to make answer unto, they answer and say these *these* defendants, (except Essex Roberts,) together with Albert Bouldin, Charles Pearson, and Edward Dixon, are trustees of the Third Colored Baptist Church of the city of Washington, D. C., mentioned in the bill, duly elected and appointed by the congregation of said church. And these defendants deny that the said Joseph Alexander, Henry Watson, Henry Scott, John Wiggins, John Middleton, William Laws, and Willis J. Minor, jr., are trustees of said church, or that either of them is such trustee, or that they or that either of them

are members of said church. These defendants admit that they hold possession of said property, together with their co-trustees aforesaid, but they deny all wrong or conspiracy in said possession, or that the same is held by force; and they aver that said possession is in
75 accordance with right and solely for the use and benefit of said congregation of said church and such other good people as desire to worship therein. These defendants also deny, and are prepared to prove, that they do not forcibly keep, and have not forcibly kept, the complainants or others, to the number of four or five hundred, or any number of individuals, from worshipping in said church. The allegation is without foundation in fact, and entirely false. They aver that the said church is open to all persons who conduct themselves in an orderly way and with a Christian spirit. They also deny that there is any such number of persons belonging to said congregation, and aver that the number of persons connected with said congregation as members is about one hundred and seventy-five. And these defendants, further answering, say that they verily believe that the debt claimed by the said Albert Bouldin, as due him against said church, is just and cor-
76 rect; that they, the said defendants, say that, on a full, fair, and final settlement with the proper authorities of said church, said indebtedness was ascertained and declared. As to the other matters and things charged and contained in said bill these defendants say that the same may or may not be true, so far as they have knowledge.

And having answered, and denying all fraud or covin, they prey to be dismissed hence with their reasonable costs in this behalf expended.

ALBERT BOULDIN.

JULIUS his + mark. BOULDIN.

EDWARD his + mark. DIXON.

WILLIAM H. FEARSON.

MERRICK & NORRIS,
Solicitors for Defendant.

DISTRICT OF COLUMBIA, *Washington County, to wit:*

On this 23 day of January, 1868, Julius Bouldin, William H.
77 Fearson, Essex Robinson, and Mansen Robinson personally appeared before me in the county aforesaid, and made oath that the facts stated in the foregoing answer, as of their own knowledge, are true, and those stated on the information of others they believe to be true.

[L. S.] CHARLES WALTER,
Justice of the Peace.

78 *Notice of application for leave to file amended bill, &c.—Filed Feb'y 26, 1868.*

In supreme court of District of Columbia, February term, 1868, in equity.

JOSEPH ALEXANDER ET AL. *vs.* ALBERT BOULDIN ET AL. } Equity, 1054.

To Albert Bouldin et al. or Merrick & Norris, their attorneys:

Take notice that the complainants in the above-entitled cause will, on

Wednesday, February 26th, 1868, at 10 o'clock a. m., apply to the said court for leave to file an amended and supplemental bill of complaint, at which time and place you can attend and defend if you see fit.

BRENT & PHILLIPS,
BROWNE & WILSON,
Sol'rs for Complainant.

DISTRICT OF COLUMBIA:

I solemnly swear that, on the 25th of February, 1868, I served this notice by copy on Jno. E. Norris, at his office.

M. M. WHEELOCK.

Subscribed & sworn to before me this 25 day of February, 1868.

R. J. MEIGS, *Clk.*

79 *Order granting leave to file amended and supplemental bill—Olin, justice.—Filed Dec.* 26, 1868.

In supreme court of District of Columbia, equity side, February term, 1868.

JOSEPH ALEXANDER ET AL. *vs.* ALBERT BOULDIN ET AL. } 1054, eq. dock. 8.

On proof of service of notice, upon the solicitors for the def'ts, of motion for leave to file an amended bill in this case, and no one appearing to oppose such motion, it is, on motion of Thomas Wilson, solicitor for complainants, ordered that the said complainants have leave to file their amended and supplemental bill.

80 *Amended and supplemental bill.—Filed Feb'y* 26, 1868.

In supreme court District of Columbia, chancery side, February term, 1868.

JOSEPH ALEXANDER ET ALS. *vs.* ALBERT BOULDIN ET ALS. } Eq. doc. 8, No. 1054.

Now comes the complainants in the above cause, and, by leave of court first had and obtained, exhibit this their amended and supplemental bill of complaint unto the court, and, hereby complaining, shows unto your honor that at the time of filing the original bill they were trustees of the 3d Colored Baptist Church, in the city of Washington, D. C., as avered in said bill; that on the regular election day they were elected, and now are trustees, as aforesaid, for the year 1868; that they are by the rules of said church the business committee of said church, and charged with the care, custody, and control of its property,
81 and the management of its financial and temporal business; that they represent, as such trustees, the only true and legal organization known by the above name, and the church they represent, and of which they are members and trustees, is the only true and legal 3d Colored Baptist Church in the city of Washington, D. C.; and that all organizations known by such name, or pretending to act as such church other than the one which they represent, are bogus, fraudulent, and illegal.

They aver that the church which they represent, and of which they are the trustees, is acknowledged and recognized by the Philadelphia Association of the Baptist Church, the highest body known to this congregation of Baptist Church, as the true and lawful church government of the 3rd Colored Baptist Church, Washington, D. C.; and that the organization represented by the respondent Albert Bouldin, as pastor, and his co-respondents, as trustees, has never been acknowledged by any one of any recognized authority in the Baptist Church.

82 They aver that said respondent Albert Bouldin is not pastor or trustee of said church, neither is he a member thereof; that he has no legal or proper connection with the 3d Baptist Church, nor is he acknowledged as pastor by any one of any recognized authority in Baptist churches.

They aver that the said respondent Albert Bouldin has, after a fair and legal trial, in accordance with the established forms, rules, usages, and regulations of Baptist churches, been expelled from the 3d Colored Baptist Church, and is no longer a member thereof, and has neither lot, part, right, title, interest, claim, or authority in or to the said Baptist Church, or to any franchise therein, as pastor, trustee, or member thereof.

They further aver that after his expulsion, as hereinbefore set forth, he procured his co-respondents, or some of them, to be appointed or made pretended trustees, claiming them to be in lieu or in stead

83 of these complainants, and as their successors, when in truth and in fact they were not and are not trustees of said church, and their pretended election or appointment was illegal, fraudulent, void, and without authority.

They aver that, at the time and after the expulsion of said Bouldin, and the appointment of election of his co-respondents as such pretended trustees, these complainants had and held possession and control of the said church building, as was their good right, & as trustees they were bound to do, when, in the month of July, 1867, the said Bouldin and his co-respondents, claiming to be trustees, commenced proceedings against these complainants before Charles Walters, a justice of the peace in this District, for the alleged forcible detention of said church building; that, pending said proceedings & before any trial or hearing had taken place, they wrongfully, illegally, and forcibly, and against the will of these complainants, and with force

84 and arms, took possession of said church building away from these complainants by forcing open the windows and forcing the locks from off the doors, and then dismissed their said suit before Justice Walter, and they still hold the forcible possession of said church building against the better right of *of* these complainants, and refuse to deliver the same to them, and have compelled them to hire another place of worship, or, if they attend said church or enter the building, it must be under the ministration of said Bouldin, as pastor, who has been legally expelled from said church, and on no other condition.

The complainants further aver that they, as trustees as aforesaid, are the legally elected successors of Joseph Alexander, Charles W. Alexander, John Middleton, and Willis J. Minor, who were the legally elected trustees for the year A. D. 1864; that the said Albert Bouldin, and Priscilla, his wife, on or about the first day of April, 1864,

85 made, executed, and delivered to the said three existing trustees a deed of conveyance, by which was intended to convey to them, as trustees of said church, the portion of lot 2, in square 525, in Washington City, D. C., on which the church building was erected and now

stands, said deed being recorded in the land records of said District, liber N. C. T., 31, folio 353; that the description in said deed is substantially as follows:

Beginning at the southwest corner of said lot 2; thence south 64 feet; thence west 34 feet; thence north 64 feet to place of beginning.

That said description is incorrect and erroneous; that it does not in truth and in fact describe the ground on which the church stands; that the church stands in the southwest corner of said lot and square; that immediately south of it is L st.; that, by the erroneous description in said deed, the ground conveyed was along the south front of said church building, and from thence south into L st., 64 feet, instead of north into the lot and square, as it should do, and as was intended
86 should be done; which error in description will be made apparent from an inspection of said deed.

The complainants further aver that the said Munson Robertson, William Pearson, Albert Bouldin, Julius Bouldin, Charles Pearson, and Edward Dixon, falsely and fraudulently representing themselves to be trustees of the aforesaid church, collecting and conspiring together to cheat and defraud the said church, and to allow and pay to the said Albert Bouldin the large amount of indebtedness claimed by him, as hereinbefore set forth, from the treasury of said church, and to better enable him to enforce payment thereof, made, executed, and delivered unto one M. P. Callan a certain deed of trust, conveying, or pretending to convey, unto him the legal title to said church building and the ground on which it stands, in trust, to secure to said Bouldin the sum of $3,020, for which amount he claims to hold the promissory notes of said trustees, and authorizing said M. P. Callan to sell and con-
87 vey said property, in case default shall be made in the payment of said notes. The last-mentioned of said notes will fall due, as therein described, on December 24, 1868, when the last becomes payable; which deed of trust was recorded August 28, 1867, in liber E. C. E., folio 194 et seqæ.

The complainants aver these notes and this alleged indebtedness to be the same described in the original bill of complaint, and for the settlement, setting aside of which, and cancellation and delivering to these complainants of said notes suit is brought.

They aver said deed of trust to be fraudulent and void; that the persons who executed it as trustees were not trustees of said church, and had no authority to bind it by their deed, and the same was well known to them.

The complainants also aver that the said church does not owe unto the respondent Albert Bouldin any such sum as expressed on the face of said note; that the notes and settlements on which they are based (such of the notes as have been already paid) were obtained
88 through the fraud, misrepresentation, and failure to render true accounts of money received and paid by Bouldin, and through the ignorance of the complainants; all of which is avered and set forth in their original bill of complaint, and which they pray may be taken in connection herewith and read together.

They reitterate and repeat each and every substantial and material allegation contained in their original bill, save and except they say that at the first organization of said church there was not a large number, &c., as therein stated, but only a small number engaged in its organization.

They say that the respondent Albert Bouldin never was a trustee of said church; that his only connection with it has been as pastor, and such assumption of authority on his part as made him a general agent,

by which he purchased the land, superintended the erection of the church, and collected contributions, laboring for the benefit and welfare of the church, as was his duty to do; but he was never a regularly
89 and legally elected trustee, that office and pastor being incompatible by the rules and usages of Baptist churches.

They specifically deny the allegation contained in respondent Bouldin's answer, that on the 10th day of June, 1867, or at any other time, they or either of them were removed from their offices of trustees of said church; they deny that they or either of them were, on the 16th of June, 1867, or at any other time, expelled from membership in said church.

They are unable to say what may have been done, or attempted to be done, by the few adherents (not more than 40 or 50) of their late pastor; but they do know that they and each have been re-elected to their said office of trustees in Feb'y, 1868, for the ensuing year, and this by the great body of the church, composed of four or five hundred members.

The complainant Joseph Alexander avers that he never had or received the deed of trust of 28th July, 1862, from J. W. Barnaclo; avers that he never kept it; nor did he, nor any one with his procure-
90 ment, ever record the same, or file it for record, nor does he know who did so.

The complainants pray that Charles Pearson, Edward Dixon, and M. P. Callan may be made additional respondents to this bill, and may be required to answer the same as though specifically interrogated, and that a writ of subpœna may issue, commanding them to appear, &c.; and that, on the trial and hearing of the cause, it may be decreed by your honorable court that these complainants and the trustees of the said church—that the body and party which they represent—is the true church organization known as the 3rd Colored Baptist Church of this city; that they, as trustees, are entitled, and may be decreed, to have the control, custody, & possession of said church building and the church property thereto attached and belonging; that said Bouldin and his co-respondents be decreed to deliver the possession thereof to these complainants; that the error in the said deed of Bouldin to the trustees of April 1st, 1864, be corrected to cover the true ground intended to be con-
91 veyed; that the deed of trust executed by Bouldin and his alleged co-trustees of said church to M. P. Callan may be cancelled, set aside, and declared null and void; that they may have all account as prayed so far in their original bill, and such other relief as in said bill prayed, together with such other and further relief as may be consistant with equity and good consience.

And they will ever pray, &c., &c.

BRENT & PHILLIPS,
BROWN & WILSON,
Sol's for Complainants.

Exhibit 2.

MANSON ROBERTSON ET AL., TRUSTEES, *to* M. P. CALLAN. } Trust, recorded Aug. 28, 1867.

This indenture, made this eleventh day of June, in the year of our Lord one thousand eight hundred and sixty-seven, between Manson Robertson, William Pearson, Albert Bouldin, Julius Bouldin,
92 Charles Pierson, and Edward Dickson, trustees of the Third Baptist Church, (colored,) of the first part, and M. P. Callan, all

of the city of Washington and District of Columbia, of the second part:

Whereas the trustees of the 3rd Baptist Church, (colored,) are indebted unto Albert Bouldin in the full sum of three thousand and twenty dollars, for which amount he holds the twelve promissory notes of the said trustees, as follows: Five notes for the sum of one hundred dollars each, bearing date July 28, 1862, and payable, respectively, in one, two, three, four, & five years after date, with interest; one note for the sum of one hundred and twenty dollars, bearing date July 28, 1862, payable in six years after date, with interest; and six notes for the sum of four hundred dollars each, dated December 20th, 1865, and payable in six, twelve, twenty-four, thirty, and thirty-six months after date, with interest:

And whereas the said parties of the first part, as successors, are desirous to secure the full payment of said notes, with all interest, cost, and expension that may or has accrued thereon, have executed these presents:

93 Now, therefore, this indenture witnesseth that the said parties of the first part, for and in consideration of the premises aforesaid, and further the sum of one dollar in lawful money of the United States to them in hand paid by the said party of the first part at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, enfeoffed, released, and conveyed, and do by these presents grant, bargain, sell, alien, enfeoff, release, and convey, unto the said party of the second part, his heirs and assigns, all that certain piece or parcel of ground, in the said city of Washington, known and described as part of lot numbered two, (2,) in square numbered five hundred and twenty-five, (525,) beginning for the same at the southwest corner of said lot, and running thence north in a line with Fourth (4) street west sixty-four (64) feet; thence east thirty-four (34) feet; thence south sixty-four (64) feet; thence west thirty-four (34) feet to the place of beginning, together with

94 all the improvements, ways, easements, rights, privileges, and appurtenances to the same belonging or in any wise appertaining, and all the estate, right, title, interest, and claim, either at law or in equity, or otherwise however, of the said parties of the first part, of, into, or out of the said piece or parcel of ground and premises:

To have and to hold the said piece or parcel of ground and premises and appurtenances unto and to the use of the said party of the second part, his heirs and assigns, forever:

In and upon the trusts, nevertheless, hereinafter mentioned and declared, that is, in trust to permit the said parties of the first part, or their successors, to use and occupy the said described premises, and the rents, issues, and profits thereof to take, have, and apply to and for their sole use and benefit until default be made in the payment of said notes, or any proper act, charge, commission, half commission, or expense in and about the same; and upon the full payment of all of said notes and the interest thereon, and all other proper costs,

95 charges, commissions, half commissions, or expenses at any time before the sale hereinafter provided for, to release and reconvey the said described premises unto the said parties of the first part, their successors or assigns, at their cost.

And upon this further trust, that upon default being made in the payment of the said notes, or any proper cost, charge, commission, half commission, or expense in and about the same, then, and at any time thereafter, to sell the said piece or parcel of ground and premises at

public auction, upon such terms and conditions, and at such time and place, and after such previous public advertisement as the said party of the second part or his heirs in the execution of this trust shall deem advantageous and proper, and to convey the same in fee-simple to the purchaser or purchasers thereof, at his or her or their cost and expense; and of the proceeds of said sale or sales, first, to pay all proper costs, charges, and expenses, and to retain as compensation a commission of ten per cent. on the amount of the said sale or sales; secondly,
96 to pay whatever may remain unpaid of the said notes, and the interest thereon, whether the same shall be due or not; and, lastly, to pay the remainder, if any, to said parties of the first part, or their successors.

In testimony whereof the said part of the first part ha hereunto set hand and seal on the day and year first hereinbefore written.

MANSON his + mark. ROBERTSON. [SEAL.]
WILLIAM PEARSON. [SEAL.]
ALBERT BOULDIN. [SEAL.]
JULIUS his + mark. BOULDIN.
CHARLES PEARSON.
EDWARD his + mark. DIXON.

Signed, sealed, and delivered in presence of—
J. F. CALLAN.
M. P. CALLAN.

[$3 50 stamp aff'd.]

DISTRICT OF COLUMBIA, *County of Washington, ss:*

I, John F. Callan, a notary public in and for the county aforesaid, in the said District, do hereby certify Manson Robertson, William
97 Pearson, Albert Bouldin, Julius Bouldin, Charles Pearson, and Edward Dixon, parties to a certain deed bearing date on the eleventh day of June, A. D. 1867, and hereto annexed, personally appeared before me, in the county aforesaid, the said Manson Robertson, William Pearson, Albert Bouldin, Julius Bouldin, Charles Pearson, and Edward Dixon, being personally well known to me to be the persons who executed the said deed, and acknowledged the same to be their act and deed.

Given under my hand and notarial seal this twenty-seventh day of August, A. D. 1867.

[SEAL AFF'D.] JOHN F. CALLAN,
Notary Public.

I, E. C. Eddie, register of deeds for the district of Columbia, do hereby certify that the foregoing and annexed is a true copy of a deed of trust from Manson Robertson and others, trust. of the 3rd Baptist Church, (colored,) to M. P. Callan, recorded in liber E. C. E., No. 14, folio 194½, of the land records for Washington County, in the District of Columbia.

98 Given under my hand and official seal this 11th day of February, A. D. 1868.

E. C. EDDIE, *Register,*
By W. G. FLOOD, *Dep'ty.*

Summons to answer amended and supplemental bill.—Issued Feb. 26, 1868.

In the supreme court of the District of Columbia, February 26, 1868.

JOSEPH ALEXANDER ET AL., COMPLAINANTS,
against
ALBERT BOULDIN ET AL., DEFENDANTS. } No. 1054, equity dock. 8.

The President of the United States to Charles Fearson, Edward Dixon, and M. P. Callan, defendants:

You are hereby commanded to appear in this court at its first special term occurring twenty days after service of this subpœna, and
99 answer the exigency of the amended and supplemental bill under pain of attachment and such other process of contempt as the court shall award.

Witness D. K. Cartter, chief justice.

R. J. MEIGS, *Clerk.*

MEMORANDUM.—That the defendants are to enter their appearance in this suit in the clerk's office on or before the special term to which this writ is returnable; otherwise this bill may be taken for confessed.

Marshal's return.

Sum'd all.

D. S. GOODING, *Marshal.*

MARCH 16, '68.

100 *Answer to amended and supplemental bill.—Filed April* 30, 1868.

In the supreme court of the District of Columbia.

JOSEPH ALEXANDER ET AL.
vs.
ALBERT BOULDIN ET AL. } Equity, No. 1054.

The first and several answer of Albert Bouldin, Manson Robertson, William Pearson, Julius Bouldin, Charles Pearson, and Edward Dixon to the amended and supplemental bill of Joseph Alexander and others exhibited against them in the supreme court of the District of Columbia.

These defendants, now and hereafter saving and reserving, &c., for answer to said bill, or to so much and to such parts thereof as they are advised are material for them to make answer unto, answer and say that it is not true that the said complainants were, at the time of filing
101 the original bill of complaint, or are now, trustees of the said 3rd Colored Baptist Church, in the city of Washington, in the District of Columbia. And these defendants further say that it is wholly untrue that the complainants are charged with the care, custody, and control of the property of said church, or that, by the rules of said church, they are the business committee. The entire statements of the complainants as to their official character and position in said church, and their connection with the same, is false and fabricated.

These defendants further say that they, the said defendants, are the only legally constituted trustees of the said church, have lawful control

of said church property, and the management of all its financial business affairs. And they aver, and are prepared to prove, as alleged in their answer to the original bill of the complainants, that the said complainants are not trustees of said church; that they separated themselves voluntarily from the said 3rd Colored Baptist Church, and were not recognized as members thereof by the rules and discipline of said church. And
102 they further state that the complainants are acting wholly without authority in assuming to act under the organization of said church, and to interfere in its temporal or spiritual affairs.

These defendants deny that the body which the complainants pretend to represent have any legal connection with the 3rd Colored Baptist Church of Washington, or that, as such church, they are recognized by the Philadelphia Association of the Baptist Church..

They deny emphatically that the said association has recognized them, the said complainants, as the true and lawful church government of the said 3rd Colored Baptist Church; and they aver, and are prepared to prove at the proper time, that the said Philadelphia Association of the Baptist Church has recognized, and does now recognize, the organization represented by these defendants as duly authorized in the said Baptist church.

These defendants further state that the said Albert Bouldin is, and has always been, pastor of said 3rd Colored Baptist Church, and
103 as such, and, as trustee by virtue of his position and connection with said church, has always been treated and acknowledged as pastor of said church by authority in the Baptist church.

And these defendants further state that it is eminently false and untrue that the said defendant Albert Bouldin was ever fairly and legally tried in accordance with the established forms, rules, usages, and regulations of Baptist churches, and been expelled from the 3rd Colored Baptist Church; no such trial or expulsion ever took place, unless it was enacted in some obscure place by the complainants; and they aver that the defendant Albert Bouldin is a member of said 3rd Colored Baptist Church, is pastor thereof, and has a claim on and interest in said church building to the amount of several thousand dollars, for the building and maintenance of said church, which they are ready and prepared to establish.

These defendants deny that the complainants ever had control or possession of the said church building, or that these defendants
104 ever forcibly dispossessed them, as they falsely alleged.

These defendants show that, being in the peacable and lawful possession of said church building, the complainants, to wit, in the month of July, 1867, forcibly entered the said church building, together with other ill-disposed persons to these defendants unknown, and held the same untill these defendants lawfully and peacably regained possession thereof, as of right they could; and they aver that they now hold the said church building for and on behalf of the congregation there worshipping, and not wrongfully or forcibly, as alleged by the complainants.

These defendants do not admit that the complainants are the legally elected successors of Joseph Alexander, Charles W. Alexander, John Middleton, and Willis J. Minor, but they aver that they have never been legally elected by the congregation of the said church.

These defendants admit that a deed of conveyance was mad for the portion of ground therein conveyed by the defendant Bouldin,
105 and his wife, Priscilla, but they do not know of any error in the description, and do not admit that there is any.

These defendants admit the making and execution of said deed of

trust to Mr. M. P. Callan, to secure the payment of $3,020 00 to the defendant Albert Bouldin, and the defendants Mason Robertson, William Pearson, Julius Bouldin, Charles Pearson, and Edward Dixon; and that they were legally constituted trustees of the said 3rd Colored Baptist Church, and had power and right as such to execute said deed of trust, formed on behalf of the said church, to secure said debt; and that the said debt is justly due and owing to the said Albert Bouldin, and in justice and consience ought to be paid.

These defendants deny all fraud in said act, and say that the allegation of fraud on their part is groundless and false.

These defendants deny that the complainants, or any of them, were duly elected trustees of the said 3rd Colored Baptist Church, in
106 the month of February, 1868; no such election was made by the said congregation of said church, or in said church; the said complainants are mere pretenders, not representing any church organization connected with the 3rd Colored Baptist Church.

As to the other matters and things charged and contained in the complainants' said amended and supplemental bill, these defendants say that the same have been averred and charged in the complainants' original bill, and denied in these defendants' answer thereto.

And having answered, and denying all fraud and covin, they pray to be dismissed hence with their reasonable costs, &c.

ALBERT BOULDIN.
his
JULIUS + BOULDIN.
mark.
his
MANSON + ROBERTSON.
mark.
W. PEARSON.
CHA'S PEARSON.
his
EDWARD + DIXON.
mark.

MERRICK & NORRIS, *Sol's for Def'ts.*

On this 29th day of April, 1868, Albert Bouldin, Julius Bouldin, Manson Robertson, William Pearson, Charles Pearson, and Edward
107 Dixon respectively personally appeared before me, and made oath that the facts stated in the foregoing answer, as of their own knowledge, are true, and those stated on the information of others they believe to be true.

Sworn to before me.

JOHN F. CALLAN,
Notary Public.

Replication.

In the supreme court District of Columbia, May term, 1868.

JOSEPH ALEXANDER ET ALS.
vs.
ALBERT BOULDIN ET ALS. } No. 1054, equity doc. 8.

Now comes the complainants, and for replication to the joint and several answers, and amended and supplemental answers to the original and supplemental bills of complainants hereinbefore filed, say they
108 deny each and every allegation contained in said several answers

inconsistant with, or contrary to, the allegations made and set forth in the said bills of complaint by them filed and exhibited.

OWEN, WILSON & BROWNE,
BRENT & PHILLIPS,
Sol's for Complainants.

109 *Deposition of Albert Bouldin for defendants.*

Examined by Mr. John E. Norris, of counsel for def'ts:

1. Q. State what your avocation is.

A. I am a minister of the gospel, and have been such for eleven years.

2. Q. Where have you been officiating?

A. The Third Baptist Church, at the corner of 4th & L sts., in the city of Washington. I also officiate in Georgetown, on the Island, and in Baltimore. I have two churches under my charge at this time.

3. Q. Where has been your chief field of labor?

A. Third Baptist Colored Church, corner 4th and L streets.

4. Q. State when that church was built.

A. The corner-stone was laid June 27th, or July 27th, 1863; July, I think.

5. Q. When was the congregation that built that church formed?

A. In 1857; September, I think.

6. Q. Where did the congregation meet before that time?

110 A. In my house; the society was first organized in my house.

7. Q. Who was instrumental in forming that society?

A. I was.

8. Q. Of what number did it originally consist?

A. Three. When we were organized there was Priscilla Bouldin, Myra Smith, Marina Triplett, Betsy York, Eliza Meredith, and Brother Curtis.

9. Q. How long did they meet in your house?

A. About a year.

10. Q. Did they increase any?

A. Oh, yes, sir; to about thirty, I think.

11. Q. With that number did you organize a board of trustees?

A. Yes, sir.

12. Q. Do you recollect who the first trustees were?

A. Yes, sir. Brother Meredith, Brother Curtis, and myself.

13. Q. How were they appointed?

111 A. By the church.

14. Q. After leaving your house, where did you meet?

A. We bought the carpenter shop opposite to the church we now occupy. I bought that for them. It is on L street, between 4th & 5th.

15. Q. How long did you worship there?

A. Between three and four years.

16. Q. What was done with that carpenter shop?

A. The congregation, with what I had given, had accumulated towards the new church $153. The church building was sold, and the sum total turned over to the new church building.

17. Q. When was the ground upon which the present church stands purchased?

A. In '57 or '58, of Mr. Selby Parker and Varnell.

18. Q. Who bought it?

A. I did.

19. Q. Did you buy all the ground?

A. Yes, sir.

20. Q. Whose money paid for it?

A. My own individual money. I afterwards sold a portion.

21. Q. What did you give for the ground?

112 A. Somewhere about $1,300, with the exception of that house and lot which I had sold. I made some profit on it.

22. Q. Was this church building placed upon this ground that you bought from Mr. Varnell?

A. Yes, sir. That is the reason I bought it.

23. Q. Was any of the purchase-money for that ground paid by the church?

24. A. No, sir; not a cent. There never was a cent paid for the ground until August, 1866; seventy-six dollars was then paid, which is credited by Julius Bouldin. In May 5th, 1867, $43 was paid by John Wiggins.

25. Q. That was church money?

A. Yes, sir.

26. Q. I will ask you to state whether you have ever been paid for the ground upon which the church is built.

A. No, sir.

27. Q. How much is yet owing you for the ground?

A. $487 22.

28. Q. Have you any security for that?

113 A. Yes, sir; I have a deed of trust from the trustees for it.

29. Q. State whether you expended any money of your own on the church building.

A. Yes, sir; I advanced pretty nearly all the money, as the books will show.

30. Q. Who has these books?

A. They were given into the church at the time the council was called. There is a full bill of particulars showing everything. Lee has those papers given by the colored council.

31. Q. Have you given notice to the parties to produce those papers?

A. I have.

32. Q. Have you ever seen them since they were handed over?

A. No, sir; they were given to them the day the council meet.

33. Q. I will ask you now about what sum you expended of your own money in the erection of that church building.

A. I cannot tell exactly; somewhere between $5,000 and $6,000, I reckon.

114 34. Q. Now, look at that private memorandum book, filed herewith and marked Exhibit "AD," and state whether it contains all the money contributed by the church.

A. Not on this book. I have some several books. This was all the money we had when we commenced the church building, and then we took up the collections along until we got it completed. I paid $150 from the sale of the old church, and here is the account, (referring to a paper.) The whole amount, when Mr. Edmunds had given it up, was $254 56, and then the books were turned over. The treasurer then turned it over to Joseph Alexander, who was then treasurer. It was then turned over to Willis J. Miner, the next treasurer. He made default in $10 at one time, and $2 50 another, and then it was turned over to John Middleton.

35. Q. You speak of having advanced of your own money between $5,000 and $6,000. Have ever been repaid that money?

A. Never.

115 36. Q. Have you any security for that?

A. I got a deed of trust.

37. Q. Do you know for how much?

A. Yes, sir. The deed of trust is for about $3,020, subject to these credits on it.

38. Q. I will ask you now who bought the material; who became responsible for the materials of that church building.

A. I became responsible for everything.

39. Q. What is the size of that building?

A. It is 34, I believe, by 55. It is twelve feet in the vestry.

40. Q. How many stories?

A. Two stories occupied; there is a story above. On the first floor the vestry is 11 feet 9 inches up to the upper floor; the upper one is between 17 and 18 feet.

41. Q. When was the building completed?

A. In 1865. First we put on gravel roof; but it kept constantly leaking, and cost us so much in repairing that we finally had to take it off, and put on a shingle roof. The upper part was then completed.

116 42. Q I will ask you to state whether there was any division among your church members within the past two or three years.

A. Oh, yes, sir; forty-one were turned out in '67, June 17.

43. Q. There are certain persons now pretending to be trustees of this church. Were they expelled?

A. Yes, sir. The motion was made by Willis J. Minor before we knew that there would be a division. We had no idea of it, although there had been some little trouble when Austin Robinson refused to commune, June 7, 1867. Willis Minor made a motion to get out all the deacons, and put in new ones. I retained the motion until Monday night. Sunday was communion, and we could not then do any business. The meeting was then called for Monday night. Monday night the old trustees were turned out, and new ones selected.

44. Q. Who were elected new trustees?

A. Manson Robinson, Julius Bouldin, W'm Pearson, and Charles Pearson.

117 45. Q. Are those persons trustees at this time?

A. Yes, sir; since June 10, '67, they have been acting. The motion was made on the 7th, but it was laid over until we could give notice for them all to come to the meeting.

46. Q. By what authority was Joseph Alexander, Henry Watson, Henry Scott, John Wiggins, John Middleton, William Laws, and Willis J. Minor expelled from membership?

A. By the church, for their unchristian conduct. They were expelled by a vote of the church. They were called on the 10th, 11th, 12th, 13th, and on the 13th chose their own moderator. On the 16th or 17th they were expelled by a vote of the church, according to the rules of the church.

47. Q. At the time they were expelled, were new trustees elected?

A. They were elected before they were turned out.

48. Q. But they were deposed from their positions as trustees?

A. Yes, sir; the motion was made by Willis J. Minor, and recorded by Johnson, on the 7th.

49. Q. Where did they go when they went from you?

118 A. To the school-house on 9th street.

50. Q. Have they ever returned to your church?

A. No, sir; some have, but not this portion.

51. Q. Were these parties expelled in accordance with the provisions of the discipline of your church?

(Objected to by Mr. Wilson, of counsel for compl'ts.)

A. Yes, sir; 18th chapter St. Mathew, 20th verse.

52. Q. That is incorporated in your discipline.

A. Yes, sir.

53. Q. I will ask you to state what the number of the members of your church is at this time.

A. I am not able to say; between 400 and 500; 612 on the minutes for '65.

54. Q. Can you tell how many went out from amongst you?

A. I cannot exactly; I think about 200.

55. Q. Did any who were original members of your church go out from among you?

(Objected to by Mr. Wilson, of counsel for complainants.)

A. No, sir.

56. Q. State the cause of this defection and secession from the church.

119 A. The origin of it was this: Letters kept constantly coming to me about Joseph Alexander (my right-hand man) and a certain woman. I would take the letters, carry them to him, and talk to him like a brother. One man by the name of Austin Robinson, who wished to be head-deacon, refused to commune with Alexander, in consequence of the report about him and this woman, Sarah N. Shepperson. As Alexander was such a near friend of mine, I sought in every way to avoid any trouble. Every time they would come to me about it, I would say, "Go to the deacons." Finally I received a letter, in May or April, '67, stating that if I had Sarah N. Shepperson turned out, I would have to have Alexander turned out also. The writer in this letter stated that he was a member of my congregation, and if I wanted to have the truth of what he stated, to come to No. 270 7th street, and he would furnish it; if, after that, I communed Joseph Alexander, I was no better than he was. Well, that was coming pretty close, and so I appointed
120 Robinson to go and see. The complaints that were made were with regard to his holding illicit intercourse with females.

57. Q. What did you do?

A. I would not do anything myself, but when the letter, of which I have spoken, came to me, I gave it to others to go down and investigate. We turned out Sarah N. Shepperson. Joseph Alexander did not vacate, and that is the reason Robinson refused to commune with him.

58. Q. Had she a trial?

A. Yes, sir; afterwards Alexander got too fond of another woman, and then Sarah Shepperson acknowledged he had her from the first. Robinson told me all the ins and outs, but I refused to act, and sent him to the deacons. Then Robinson was sharp enough to go and tell three or four other members.

59. Q. State what action you took.

A. We turned him out of the church, according to the rules of the church.

60. Q. My question was, what led to the secession of these parties?

121 A. This was the foundation of it. When Robinson could not get those out that he wanted, then he asked me to ordain the deacons. I said I would not my hand upon one of them. Says I, "It is an uncalled-for question—a question of conspiracy." The he asked me if he couldn't pay for the church, and call another minister. I told him that was a question of conspiracy, and I should not answer it, or lay it before the church. Then he asked me to pardon him. I say, "I shan't grant it. You do wrong to the church." Then he said he

would not commune with these parties. That was the beginning. The we called upon them to settle the question, and they got mad and went away.

61. Q. State whether you have ever closed the church against those that went out.

A. No, sir; we shut the door one Sunday, and did not go in ourselves. We did that to keep them from fighting and killing.

62. Q. Had they fought in there?

A. Yes, sir; and drew blood.

63. Q. State whether or not they ever closed *closed* the church
122 against you, and took forcible possession of it.

A. They did.

64. Q. How long did they hold it in that way?

A. About a fortnight.

65. Q. How did you get possession again?

A. I was not there; but I understood that a gunsmith was sent for, who opened the door. They took the locks off, put on others, but it was not locked up against them. I have always had the keys in my possession.

66. Q. Have you held possession from that time to this?

A. Yes, sir.

67. Q. I understand you to say that it has been open from that time for all who choose to go?

A. Yes, sir; Tuesday night, Thursday, and all day Sunday.

68. Q. I would ask you to state whether you have used your influence to induce those persons to come back and unite with you again.

A. Yes, sir. I have a letter which I sent to Brother Alexander in regard to that, and which he returned.

123 69. Q. Are you willing yet that they may come back?

A. I have no objection. I will receive them with heart and hand.

70. Q. It is said that you have collected large sums of money, for which you have never accounted. Will you state what sums you have collected, and whether you did account for them?

A. The books will show.

71. Q. You appeal to the books?

A. Yes, sir.

72. Q. You said you went to New York, Baltimore, and other places. You can state what amounts you collected at those places.

A. I never collected a cent in New York or Baltimore. I collected in 1864, $507. That I brought home and placed in the church-debt fund. I gave them credit for that.

73. Q. Where did you collect this $507?

A. In Philadelphia.

74. Q. And that you appropriated in the proper way?

A. Yes, sir; it was paid over to the trustees; and there was some $200 paid on the account of $1,785. The balance was paid to Mr. Utermehle, from whom I borrowed money.

124 75. Q. You allege in your answer that you advanced all this money. I will ask you to state what your reasons were; what funds you had when you came to the city.

A. I had about $7,780 in gold and silver.

76. Q. Did you attend the sessions of the council in September, 1867. in Washington?

A. Yes, sir.

77. Q. I will ask you to state whether that is a report of their proceedings.

A. This is the proceedings of the council as published by them.

(Mr. Norris proposed to file the paper marked "Exhibit 'B'(d), J. O. C.," as the official copy of the proceedings of a council of Baptist ministers, at church cor. 4th & L sts.

Mr. Wilson objected on the ground that it did not on its face purport to be an original.)

78. Q. There were some leaves torn from a book. Can you tell anything about that?

A. Yes, sir. It was the church ledger.

125 79. Q. Is this the book? (Referring to book marked "Ex. 'E'(d), J. O. C.")

A. Yes, sir.

80. Q. Just state whether there have been any leaves torn from that, and what those sheets contain.

A. The sheets contain all the meetings that were held in 1867. I did all the writing, which nobody will dispute.

81. Q. Was this church record in your possession?

A. Yes, sir.

82. Q. Were these leaves from May 10, 1867, to June 17, 1867, pasted together?

A. They were pasted together when it was in possession of Ja's H. Lee, or W'm B. Jefferson.

83. Q. Were those leaves pasted together when the book was in your possession?

A. No, sir.

84. Q. Were there any leaves cut out?

A. Yes sir.

85. Q. What was on them; do you know?

A. All the matter that is contained in this paper from June 7th. (Paper marked "Ex. D(d), J. O. C.")

86. Q. How did you get a copy of that matter?

126 A. I had it copied off because it was church proceedings. I did all the writing in this book from June 7, '67, to the last of June, '67.

87. Q. State the circumstances of those books getting out of your possession.

A. When the council was called, to show the whole affair, I got all my books and carried them to the church. The church refused to hear the council, and they came to the Second Baptist Church, and called the council. We would not hear the council, because the rule is, when you turn a member out of the church, he shall come back in repentance, and no congregation has anything to do with the several powers of the church. When the council was at the Second Baptist Church, I carried the books over to the corner of 4th & L. Two books I hid under a stack of Bibles that we kept there, and the balance I laid on the table. Then the council took these books by force, and gave them to the excluded party.

88. Q. What council was this?

127 A. The colored council of the Baptist ministers, George J. Parker, William Walker, J. W. Anderson, Sandy Alexander, L. V. Wright, took the books from me and gave them to the excluded parties.

ALBERT BOULDIN, *Pastor.*

Sworn and subscribed to before me this 10th day of Aug., '68.
JA'S O. CLEPHANE, *Examiner.*

The direct examination of the witness having been concluded, at the request of Mr. Wilson, of counsel for complainant, whose engagements called him elsewhere, the commission adjourned till Thursday, August 13, 1868, at criminal court-room, at 11 o'clock.
JA'S O. CLEPHANE, *Examiner.*

128 1868, AUGUST 13TH.—The commission met pursuant to adjournment. Present, Mr. Thomas Wilson, of counsel for complainant, and Messrs. John E. Norris an Terry, counsel for defendant; also several witnesses.

The witness Albert Bouldin, who was examined in chief on the part of the defendant by Mr. Norris at the previous meeting, was cross-examined as follows by Mr. Wilson, of counsel for the complainant:

1. Q. I understood you yesterday to state that you bought all the ground on the corner of 4th & L from Parker and Varnell?
A. Yes, sir.
2. Q. And paid for it all?
A. Yes, sir.
3. Q. How much ground was there that was bought by you?
A. On 4th street, 84 feet running north, and 78 feet 6 inches on L street. I bought the property in '58, but did not close the bargain until '62.

129 4. Q. How much did you buy of Varnell?
A. I bought it all of Varnell.
5. Q. Where will we find a record of what you bought from Varnell?
A. Find it in the deed from Varnell to me.
6. Q. About what time?
A. The deed will tell.
7. Q. Were there two deeds?
A. There was one in '58 to Danderson, and then in '62 one from Varnell to me.
8. Q. The Danderson property, then, and the part on which the church stands, was all bought from Varnell at the same time?
A. Yes, sir; part of the same purchase.
9. Q. You say you paid for all of it?
A. Yes, sir; I paid the last installment last August.
10. Q. What amount of the $1,300 was raised by the church?
A. Not a cent but what is credited on the notes.

130 11. Q. Were you not in the habit at different times of making efforts, and many times successful efforts, towards raising money by contribution in the church for the payment of this ground?
A. I mentioned the matter several times in the church.
12. Q. Did not they raise money, and try to raise money, upon your appeals to them on behalf of Varnell?
A. They did in 1866. They tried to raise the money before, but no money was paid upon the ground until '66, in August, I think.
13. Q. You say there was no money paid upon the ground till 1866. Whose business was it to Varnell?
A. It was my business.
14. Q. When the church raised money, who was it paid to?
A. To me to pay off the notes; and they got receipts for all the money paid.

15. Q. Then they did raise money, which was paid to you, didn't they?
A. Yes, sir; and paid on the notes.

131 16. Q. And you could have had it go to the payment of Varnell, or not, just as you pleased?

A. No, sir; for when I raised the money for that express purpose I had to pay it on that very thing.

17. Q. Did they raise money which they expressly prohibited you from paying to Varnell for that land?

A. No, sir; but they never raised any money, except in the instance of which I have spoken, and for which they got credit. Here is the account: "1866, paid by Julius Bouldin, (who was treasurer,) August 4, $67 64."

18. Q. Was that sum paid upon the ground?

A. Yes, sir.

19. Q. How do you know it was?

A. I paid it.

20. Q. How much did that church building cost?

A. I cannot tell you exactly. In all it cost from $10,000 to $12,000.

By Mr. Norris:

21. Q. Does that include the grounds?

132 A. Yes, sir.

By Mr. Wilson:

22. Q. About what did the church building alone cost?

A. About $10,000 or $12,000.

23. Q. Who paid the money upon that.

A. I paid a part out of my own funds. It was built by my giving a deed of trust on my property.

24. Q. How much did the church pay?

A. It is for them to say.

25. Q. It is for you to say.

A. I do not know.

26. Q. To whom was this money that was raised to pay for the church building paid?

A. To me.

27. Q. About how much was there of it?

A. I cannot tell how much.

28. Q. Can you tell within a thousand?

A. I cannot.

133 29. Q. Tell within $5,000.

A. I can tell nothing, but they got receipts for all the money paid. The books will tell better than I can.

30. Q. Where are these books?

A. They are here; but a great many leaves have been torn out, and the books mutilated.

31. Q. Tell us about how much the church raised of the ten or twelve thousand dollars upon the church building debt.

A. I do not think, clear of expenses, that there has been over $2,000 paid. The running expenses of the church were about $43 every month. You see the money is collected every Sunday, and kept in the treasury until the church meeting night. Then the incidental expenses, pastor's salary, bread and wine, lamps, oil, &c., have to be paid out.

32. Q. To whom was the amount over $43 paid?

A. It was paid to me to pay the church debt, and I gave receipts for it.

134 33. Q. When this money was paid to you, was anything said

as to whether it was a payment on the lot, or to go towards the payment of the debt on the church building, or was it just paid over to you?

A. It was all exactly named for what debts it was intended. You see there was a heap of out-debts.

34. Q. The debt that it was intended for was specified?

A. Yes, sir.

35. Q. You have said that all the money collected by the church and paid to you was on those books. Will you examine them and tell me how much there was?

(Mr. Norris objected to the question, for the reason that the books were in evidence, and would show for themselves.)

A. I cannot tell from the books, for the reason they have got some of the leaves out of them; but where they have not got the leaves out of the books, I can tell.

135 36. Q. Find the place in these books where there have been any leaves torn out, leaves referring to monetary affairs.

A. This (referring to Ex. "H"(d), J. O. C.) is the book that contains all the money raised. A portion has been cut out. Also this book, book marked Exhibit "A"(d.)

37. Q. Has there been anything cut out of that?

A. No, sir.

38. Q. Those two books contain a statement of all the money that has ever been raised or that ever passed through your hands?

A. This book (book marked Ex. "I"(d), J. O. C.) contains all the money I ever begged in Philadelphia.

39. Q. Where have any leaves been torn out of that book?

A. Just after the second page here a leaf has been torn out.

40. Q. What was on that leave that you say was torn out?

A. I do not recollect.

41. Q. Turn to the next place where a leaf has been torn out.

136 A. That is the only place where I discover a leaf to have been torn out.

42. Who tore that out?

A. It was torn out after it got into the possession of Lee.

43. Q. How do you know that?

A. Because when the books were in the vestry they were examined, and they were all right then.

44. Q. Look at this book, out of which you say leaves were torn, (book marked Ex. "H"(d), J. O. C.,) and state what those accounts are.

A. This book shows what money has been raised in the church since the church was a church.

45. Q. Does it not show the money that was paid out by the church?

A. It shows the amount raised in the church.

46. Q. (By Mr. Norris.) Do you mean the regular church collections?

A. Regular church collections.

137 47. Q. And then what has been cut out of that book reduces the amount of church collections?

A. Yes, sir. There was one leaf taken out, I think, at the place I designated. I do not swear solemnly that one has been torn out, but I think there has been, to the best of my knowledge and belief.

48. Q. But you solemnly swear all on that leaf reduces the amount of collections that much?

A. Yes, sir. I notice that a leaf is torn out here to the right of page marked thus, *, in book marked (Ex. "H"(d), J. O. C.)

49. Q. You paid out on the church building $11,000 or $12,000?

A. Yes, sir; interest and all.

50. Q. Of that you say there has been about $2,000 repaid to you?

A. Yes, sir; from the church.

51. Q. The church gave you notes on the ground for $620 00; and there has been paid upon that $120 96?

A. Yes, sir.

52. Q. Didn't you collect some money in other cities?

138 A. Credit has been given on all that.

53. Q. That was about $507 40?

A. Yes, sir; that was in '64 or '5. In 1866 I begged $103 in Philadelphia.

54. Q. That makes $600 and some odd dollars?

A. Yes, sir.

55. Q. Is that all that the church has paid back to you for your expenditure for the church ground and the church building?

A. No, sir.

56. Q. What else was there?

A. It is here on the books.

57. Q. What else did they pay besides the $2,000, the $120 on the notes on the ground, and $600 which you collected in Philadelphia and elsewhere?

A. From the old church, $153.

58. Q. What I have stated, added to what was got from the old building, is all that you received from the church during the whole time you have been up there?

A. Yes, sir.

139 59. Q. That is exclusive of your salary?

A. Yes, sir.

60. Q. Did you pay it on the $11,000 or $12,000 for the church building?

A. I cannot tell; but I can tell what the church cost, if you will give me those two long sheets of items, with the exception of about six or seven hundred dollars that I forgot in bringing the lists up.

61. Q. What was that six or seven hundred dollars for?

A. For the ceiling and for the partition of the vestibule.

62. Q. Who paid for those things?

A. I did; I was bound for all of it.

63. Q. Were you bound for, and did you pay, all the expenses—that is, the $11,000 or $12,000—for the building of the church?

A. Yes, sir; I paid it, and was bound for all of it, because they had a deed of trust on my property to get the church erected.

64. Q. Then I am to understand you that you have paik for the building of the church the $11,000 or $12,000 which it cost

140 A. With the exception of what debts I owe now.

65. Q. What is about the amount of those debts?

A. Six or seven hundred dollars.

66. Q. Now, with the exception of this six or seven hundred dolllars, have you paid for the expenses of the church building the ten or twelve thousand dollars which you mentioned awhile *you*?

A. I have paid every cent on the church building, and given a deed of trust on my I street houses for the balance that I owe.

67. Q. How much in all have you got from the church in the way of collections, &c?

A. About $3,000.

68. Q. The balance you have not received from anybody?

A. No, sir.

69. Q. And the church still owes it to you?
A. Yes, sir.
70. Q. You say there were forty or more members turned out the 10th day of June?
A. Yes, sir.
71. Q. Have you any list of those members?
A. Yes, sir.
141 72. Q. Where is it?
A. It is at home.
73. Q. You say you had the church ledger; you ought to know, therefore.
A. I was the clerk.
74. Q. When were you elected clerk?
A. In 1858.
75. Q. Have you been serving as clerk ever since that time?
A. Yes, sir, ever since; and where Lee cut these leaves out was where new trustees had been elected.
76. Q. You say you were elected in '58. Didn't you act as moderator when there was a church meeting?
A. Yes, sir; and I acted as clerk also.
77. Q. Were you not pastor all this time?
A. Yes, sir.
78. Q. I will ask you whether or not Lee was elected church clerk?
A. He was elected as assistant.
79. Q. Were you a trustee?
A. Yes, sir.
80. Q. When were you elected, and how long did you continue to serve?
142 A. I continued to serve all the time.
81. Q. Didn't Lee do the recording in the book on the last fifty, sixty, and one hundred pages, before the split?
A. No, sir.
82. Q. Is not this Lee's handwriting in this book (marked Ex. "E"(d), J. O. C.) from March 30, 1866, to February, 1867?
A. He has entered these proceedings in there since he came into possession of the book.
83. Q. Find me one place where he has entered the proceedings on the books since he has had in his possession.
A. He has altered nearly all the dates to February 15, 1867, because my writing was all over these books.
84. Q. I want to know if these records for some one hundred pages, up to February 15, '67, are not in Lee's handwriting, and whether his signature is not affixed to them.
A. Yes, sir.
143 85. Q. I want to know if the parties whose names appear on the record were not elected trustees, as shown by the minutes on this book.
A. No, sir; they were not elected.
86. Q. Was not Joseph Alexander elected trustee by a majority of 175, just as it is put down here?
A. No, sir.
87. Q. Nor Willis J. Miner?
A. No, sir.
88. Q. Nor John Middleton, nor Henry Watson?
A. No, sir.
89. Q. Nor John Wiggins, nor Henry Scott, nor William Lee?

A. No, sir; there was no such election; he has forged that there.

90. Q. At the time this record purports to have been made, February 15, 1867, was there any split or division at all in that church? Had any of the parties gone away or proposed to go away?

A. No, sir; there was not.

91. Q. When did this division take place?

A. In June, '67.

144 92. Q. Now, we will commence with this book, after February 15, '67. Is not that Lee's handwriting?

A. Yes, sir.

93. Q. Is not this, and this, and this, (pointing out certain minutes,) to May 12, 1867, all in Lee's handwriting?

A. Yes, sir; but he has had the book in his possession, and he has signed a forgery.

94. Q. When were these 41 persons turned out?

A. June 10th.

95. Q. Who were they turned out by?

A. By the church.

96. Q. Was any notification served upon them?

A. Oh, yes, sir; regular notice was given.

97. Q. Where is the record of that notification and turning out?

A. I have it in several places. There was no written notice, but notice was given from the pulpit.

98. Q. Is there any record of the forty-one having been turned out?

145 A. Yes, sir; their names are written in a book at home.

99. Q. Was Manson Robinson one of those new trustees?

A. Yes, sir.

100. Q. Was he present when he was elected?

A. Yes, sir; I believe he was chairman. I acted as clerk all the while along.

101. Q. How many members have you belonging to your church now?

A. All with the exception of that 53 that we turned out.

102. Q. How many are there that attend and worship there?

A. I cannot tell; between 400 and 500.

103. Q. How much of a congregation do you have upon your regular church day on Sunday. How many did you have last Sunday?

A. I cannot give you any idea. There are about thirty in the choir.

104. Q. Who employed this locksmith to open the door?

A. I cannot answer.

105. Q. Do you know anything about who it was?

146 A. I do not.

106. Q. Do you know the man who employed him?

A. I do not.

107. Q. These leaves that were cut out of this book here, were any of them written by Lee, that you know of?

A. Not a single one.

108. Q. Who did write them?

A. I did.

109. Q. Was Lee present at the time when they were written upon?

A. No, sir.

110. Q. Was any party that is up on 9th street present at the time that these leaves were written upon, or at the meetings when these proceedings were had?

A. No; I do not think they were.

111. Q. Did not the proceedings, which you charge these parties with having cut out the leaves of, take place during the absence of these parties that worship up on 9th street?

147 A. At first all of them were present. They all know I wrote on the book on the 7th of June; they were present when this talk was between Brother Oscar Robinson and me about the propriety of ordaining these men and calling another minister; that I wrote on the book, and all know that.

112. Q. Was Lee present that night?

A. No, sir; he was not present that night.

113. Q. Did not these proceedings, which were upon the leaves that are cut out, take place after the trouble arose in the church?

A. No, sir; didn't you hear me state to you that the proceedings of the church meeting of June, 1867, were written by me?

114. Q. Then that was what the leaves contain that were cut out?

A. Yes, sir.

115. Q. Is that all that the leaves contained that were cut out?

A. No, sir; there was some that was cut out in two places. I remember very well who was present on the night before at the

148 church meeting. At the close of the year a church meeting is always called to settle up business, and at which is presented a list of debts, a list of delinquent and excluded members. I wrote all those proceedings, and they are cut out.

116. Q. Were any of those forty-one present at the time they were turned out?

A. Yes, sir; they were present.

117. Q. Who were present?

A. All of them.

118. Q. What I want to know is, whether all the forty-one who were turned out were present at the time they were turned out.

A. No, sir; they were not there that night.

119. Q. Had you notified, or caused any of them to be particularly notified, so that they would know that they were being turned out?

A. Yes, sir; I gave notice from the pulpit, as it is usual for a pastor to do.

120. Q. Were they present at the time you notified them from the pulpit?

149 A. They were notified on the 7th of June to meet Monday night, and they were notified then to meet meeting after meeting, 11th, 12th, & 13th. On the 13th they met and chose their own moderator, William Scott.

121. Q. As I understand you, there were forty-one members turned out, and that you did not give them any written notification, but mere verbal communication from the pulpit. At that time, were any of the members present?

A. Yes, sir.

122. Q. Who?

A. All of them. Alexander was there.

123. Q. Was Jefferson there?

A. I do not know whether he was there or not.

124. Q. Was Willis Miner there?

A. Yes, sir.

125. Q. Was John Wiggins?

A. No, sir; I do not think he was.

126. Q. Was John Middleton there?

A. Yes, sir.

127. Q. Who else of the 41 were there?

A. I cannot tell you; but Lee, John Dillard, and W'm Taylor were there.

150 128. Q. Was that all?

A. No; that was not all.

129. Q. Have the names of that 41 been entered on any of these books, or made known in the records of this suit?

A. No, sir; not as I know of. Just mentioned that so many were turned out.

130. Q. You say you are willing for these parties to return to the church?

A. We cannot hinder them.

131. Q. Are you willing these men should come back and act as trustees of the church?

A. No, sir; Lee should not be a clerk, because we are prepared to prove, by four or five disinterested white men, that my handwriting was in this book, and that that was cut out by him.

Re-direct by Mr. Norris:

132. Q. What salary do you receive up there?

A. They gave me, for the last two or three years, $25 a month.

151 133. Q. What before that?

A. $13, $14, $10; along there.

134. Q. Now, I will ask you what the incidental expenses of the church are.

A. About $600 a year, including my salary.

135. Q. I will ask you if that salary and those incidental expenses were or were not paid by these church collections of which you have spoken, and whether it was not only the balance remaining that would be applied to any other purpose.

A. Yes, sir.

136. Q. You have been at this church as pastor for ten years?

A. Yes, sir.

137. Q. What would the incidental expenses of that church, with your salary, average per year for the ten years? You did not get as much for the first years, you have stated, as for the last.

A. I cannot tell that exactly.

138. Q. What did you get the first four or five years?

A. It ranged between $10 and $15. I never got less than $10.

152 139. Q. What were the incidental expenses during the first seven years of the operation of that church, independent of your salary?

A. I cannot tell exactly.

140. Q. Was it $15 a month?

A. Yes, sir; as much as that.

141. Q. Since that time it has been how much?

A. Forty-three dollars in the summer, and from $50 to $60 in the winter.

ALBERT BOULDIN, *Pastor.*

Sworn and subscribed to before me this day of August, 1868.

JA'S O. CLEPHANE, *Examiner.*

Deposition of Edward Dickson for defendants.

Examined by Terry, of counsel for defendants:

1. Q. Do you know the different parties to this suit?

A. Yes, sir.

2. Q. Are you member of the Third Baptist Colored Church?

153 A. Yes, sir; I am deacon.

3. Q. How long have you been a member?

A. Going on eight years; ever since I have been in Washington. I was gone two years and six months in Florida.

4. Q. When were you elected deacon?

A. For over two years.

5. Q. And was at the time some persons seceded from the church?

A. Yes, sir.

6. Q. Are you acquainted with those who seceded?

A. A good many of them.

7. Q. Were you present at the meeting of the church when this trouble commenced?

A. I was.

8. Q. Were you present when some seceders were tried before the church upon some charges made against them?

A. Yes, sir.

9. Q. Were you present at the time the vote was taken to turn out those who went off?

A. Yes, sir.

10. Q. And they were turned out?

154 (Mr. Wilson, of counsel for complainants, objects to the last five or six questions, on the ground of their being leading.)

11. Q. Do you know Joseph Alexander, Henry Watson, Henry Scott, John Higgins, John Middleton, William Laws, and Willis J. Miner?

A. Yes, sir; all.

12. Q. I see they have here, in this list of complainants, the name of Charles Alexander. He is dead, is he not?

A. Yes, sir. He has been dead some three or four years.

13. Q. When did the fuss commence?

A. It was in the last year, some time during warm weather.

14. Q. What was done?

A. There was a fight.

15. Q. How many people were there at the church at that time?

A. I do not know exactly; maybe some fifty or sixty. We had assembled there in the hope of bringing about peace. Alexander's

155 party met up-stairs, while Bouldin's friends met in the vestry. After a while those who were below concluded to go up-stairs. Among those who went up was a man from Baltimore, who had recently joined the church, and whom we had elected trustee. His name was Dr. Washington. Joseph Alexander, perceiving him just after he had entered, shouted, "Carry that man out; we don't want him up here." He said, "What have I done? I want you all to know I am one of the trustees of the church." Alexander insisted on having him carried out, and finally several of his party got hold of him, pushed him, struck him with sticks, and kicked him down-stairs. Blood was drawn on him, which Sister Bouldin had to wash off. He had to flee to the vestry. If he had gone outside they would have killed him. A policeman had to take him home.

16. Q. At this time Dr. Washington was one of the trustees of the church; had been duly elected?

A. Yes, sir.

17. Q. Who besides Alexander engaged in the assault upon Dr. Washington?

156 A. I do not think Alexander struck him at all. He simply

gave orders. None of them took hold of him, but simply struck him with sticks. One was named Jesse, and another Bill Williams.

18. Q. Was Henry Watson there at this time?

A. I do not remember.

19. Q. What about Scott?

A. He was there.

20. Q. What did he say or do, if anything?

A. I do not believe he did anything.

21. Q. How about John Wiggins?

A. I do not remember that he did anything as to the fighting.

22. Q. How about John Middleton?

A. I did not hear him say anything.

23. Q. How with William Laws?

A. I do not know whether he was there or not.

24. Q. Was Willis J. Miner there?

A. Yes, sir; but he did not do any fighting.

25. Q. What was done after this assault upon Dr. Washington?

157 A. We did not proceed with business any further. That broke up the meeting. After they got Washington down, some one exclaimed, "You damned old conjurer, we came here to kill you."

26. Q. Were you present on another occasion when some people were driven out by force?

A. Yes, sir; the other party had a meeting up-stairs and we down-stairs.

27. Q. Was that in the church building corner of 4th & L streets?

A. Yes, sir.

28. Q. At what time was this meeting of which you speak?

A. It was some two or three weeks before the affair with Dr. Washington.

29. Q. Who do you mean by the party up-stairs?

A. The seceders.

30. Q. How many of you were down in the vestry-room?

A. I suppose about thirty or forty.

31. Q. Was the meeting in the daytime or evening?

A. It was in the forenoon.

158 32. Q. Was Alexander among those who held a meeting up-stairs?

A. Yes, sir.

33. Q. Are you able to say whether any of the other of the complainants were there?

A. No, sir; I do not know who particularly were up-stairs.

34. Q. As I understand you, it was the seceders who met up-stairs?

A. Yes, sir. They got through with their meeting before we did, and then Alexander came down-stairs, and commenced letting down the windows, and closing the doors and shutters, at the same time ordering us out.

35. Q. Did he go there with any force?

A. No, sir; but he had his force standing at the door. Brother William Robertson was at prayer when he came in, and as soon as the prayer was over he commenced closing the shutters. Brother Bouldin was in the pulpit. When he ordered us out, we did not make any

159 opposition. We just came out, closing the meeting in order, with benediction.

36. Q. Were you present on any other occasion when there was a full meeting of the church, when any of those people were called to order, and refused to hear, or anything of that kind?

A. Yes, sir; I was present.

37. Q. When was that?

A. It was in June, a year ago, I think. It was at a regular church meeting.

38. Q. What sort of an attendance on the part of the members of the church was there?

A. There were a great many there that night.

39. Q. Where was it held?

A. In the vestry, I think.

40. Q. What was done at that meeting?

A. Well, some questions were asked, and because they were not *asked* as those who asked them thought they ought to be, they got mad, and made disturbance. The moderator (Mr. Bouldin) ordered peace, but they would not come to order. They would listen to nothing, and so Willis Miner got up and moved to turn them out.

160 41. Q. Turn who out?

A. The men would not hear the church.

42. Q. Give us their names.

A. I can give some of them: Joseph Alexander, Austin Robinson, and a good many others.

43. Q. In what way did they manifest their refusal to hear?

A. There was a good deal of it. I cannot remember exactly how it was done. They would not hear the meeting, and left the church.

44. Q. Were they afterwards tried on that charge as well as others?

A. Yes, sir; I remember they left the church on the 10th of June.

45. Q. Did they refuse to answer the charges?

A. Yes, sir.

46. Q. This was at a regular church meeting?

A. Yes, sir.

47. Q. Was there a vote of the church taken upon turning them out?

A. Yes, sir; and it was decided to turn them out.

161 48. Q. When was this vote taken?

A. It was the 13th or 14th of June.

(Mr. Wilson objects to this mode of showing the expulsion of Alexander and others.)

49. Q. Do you know whether the church was broken open by this party or not—Alexander's party?

A. I do not know whether it was broken open by them or not, but I know that it was broken open, and they had possession.

50. Q. How many members were there eight years ago, when you first entered the church?

A. Some forty or fifty.

(Mr. Wilson objected to the question.)

51. Q. How many deacons were elected last year?

A. I don't know how many.

Cross-examination by Thomas Wilson, esq.:

52. Q. When is the regular election for trustees and deacons?

A. Church meeting nights.

53. Q. How many of these church meetings do you hold in the course of the year?

162 A. I cannot tell how many.

54. Q. Do you elect trustees and deacons every church meeting night?

A. No, sir.

55. Q. At what church meetings do they elect trustees and deacons?
A. Just whenever we want them.
56. Q. How long do they serve?
A. As long as they attend to their duties and do what is right.
57. Q. When had you been in the habit of electing trustees and deacons before the split?
A. I do not know. We had none to elect then. They were all right.
58. Q. Were you ever there at any election of trustees and deacons?
A. I was there at all the meetings. I was there when one of the deacons was elected.
59. Q. Who was that deacon?
A. A man by the name of Duff.
60. Q. When was that?
A. That was soon after I came from the army, about two or three years ago.
163 61. Q. Was there any more than him elected at that time?
A. I do not remember.
62. Q. Do you know of any other deacon or trustee having been elected than this man Duff during the time that you have been a member, while you were not in the army?
A. Yes, sir; Brother Essex Roberts. He was elected a deacon.
63. Q. Who else was elected at that time?
A. I do not believe there was any one else.
64. Q. Whose place was he elected to fill?
A. I do not know whether it was that of Brother Alexander Robinson.
65. Q. Was this before the split or after?
A. It was after the split.
66. Q. Did they elect anybody, that you know of, as trustee, before the split, since you have been a member of the church?
A. Yes, sir.
67. Q. Who were they?
A. I do not know.
68. Q. When was it?
164 A. I do not know.
69. Q. How many years ago?
A. About three years ago.
70. Q. Were they all elected together?

71. Q. Did not you have a regular time for electing trustees of that church?
A. No, sir.
72. When were elected, were they not elected to serve during the year?
A. No, sir; their time was not limited.
73. Q. When was Dr. Washington elected trustee?
A. I do not know the time exactly. It was after the split.
74. Q. How long did he serve as trustee?
A. He is still a trustee; but he is not in the city.
75. Q. Were you present when he was elected?
A. Yes, sir.
76. Q. Was anybody else elected at that time?
A. No, sir.
77. Q. Were you present when the other trustees were elected after the split?
165 A. Yes, sir; every one.

Q. Who are they?

A. Manson Robinson, William Pearson, Charles Pearson, Julius Bouldin. Albert Bouldin was not elected at that time. He has been a trustee ever since the church was built. He was not turned out.

79. Q. You say you were present when these men, whom you call seceders, were turned out; and that Willis J. Miner made the motion. What kind of a motion was it?

A. He said he moved that the trustees be turned out.

80. Q. And was that motion carried?

A. It was laid on the table until Monday night, and the next Monday night it was taken up and passed.

81. Q. Did that comprise all the trustees?

A. Yes, sir.

82. Q. Did the motion of Miner designate the trustees by name, or did it simply refer to all the trustees?

A. Trustees and deacons.

166 83. Q. I will ask you, if at that time Bouldin was not a trustee?

A. Yes, sir.

84. Q. Was he turned out along with the rest of the trustees?

A. No, sir. He was moderator.

85. A. But he was a trustee also?

A. Yes, sir.

86. Q. Was not the motion made to turn out all the trustees?

A. Yes, sir.

87. Q. Was his name excepted from the rest of them?

A. Of course it was.

88. Q. By name?

A. Not particularly.

89. Q. Was it excepted in any way?

A. He was known by all in the house to be a trustee, and he had not done anything himself; therefore we had no right to turn him out.

90. Q. Just state the fact whether Miner's motion excepted the name of Mr. Bouldin.

A. No, sir.

167 91. Q. And Miner's motion you say was carried?

A. Yes, sir.

92. Q. Did the election of the trustees that represent Mr. Bouldin's party take place until after the split?

A. Yes, sir.

93. Q. Were you there when Joseph Alexander and the others that are complainants here broke into the church?

A. I was not in.

94. Q. Were you there at the time when the other party—Bouldin's party—broke into the church?

A. No, sir; I did not know that any of them broke into the church.

95. Q. Were you there when a locksmith came and picked the lock?

A. No, sir.

96. Q. Do you know who was there at the time?

(Question objected to by Mr. Terry.)

A. If the locksmith picked the lock, of course he was there.

97. Q. Do you know who employed the locksmith for that purpose?

168 A. No, sir.

98. Q. For a short time previous to the picking of the lock by the locksmith, Bouldin and your party had been worshipping in the church, hadn't they?

A. Yes, sir.

99. Q. And until that time?
A. Yes, sir.
100. Q. Regularly?
A. No, sir, of course not, because up to the time the locksmith opened the door, Alexander and his party had possession of they key, and had fastened the door.
101. Q. Since the door was opened by the locksmith, have not Mr. Bouldin and your party been worshipping there regularly?
A. Yes, sir.
102. Q. How many communicants worship there now?
A. So many I could not tell you.
103. Q. Are there 40, 50, or 500?
A. There are over 50. I know sometimes the church is as full
169 as it has ever been since it has been built.
104. Q. When was one of those times?
A. Last Sunday night.
105. Q. Was the church full last Sunday night?
A. Yes, sir; pretty much.
106. Q. When before that time?
A. Almost every Sunday and Sunday night. For six or seven months, perhaps more, we have been having a great many there.
107. Q. Have many persons joined the church since that time?
A. Yes, sir.
108. Q. How many?
A. I cannot tell.
109. Q. Give us some idea.
A. I cannot. The books will tell.
110. Q. How many went off with the seceders at the time of the split?
A. I do not know.
111. Q. Give some idea. Was there forty?
A. Oh, yes, sir.
112. Q. Was there 50?
170 A. I do not know how many.
113. Q. Was there as many as 500?
A. I do not know how many there were. I did not keep the books.

Re-direct by Mr. Terry:

114. Q. From your knowledge of that church before the secession and since, is it your judgement that there was anything like 500?
A. I do not know.
115. Q. Do you know whether Joseph Alexander, or any other of the forty that seceded, tried to prevent people from going to that church?
A. Yes, sir.
116. Q. And do you know that, notwithstanding, some of the seceders have come back and rejoined the church?
A. Yes, sir.
117. Q. State whether, as late as last Sunday, some of them did not come back.
A. Yes, sir.
118. Q. State whether these seceders did not call their people together and make them hold up their hands and pledge themselves not to go back again.
171 A. Yes, sir.

By Mr. Wilson:

119. Q. Who did Joseph Alexander, or any of his party, attempt to prevent coming to worship at your church?

A. A woman by the name of Williams was one. She was a woman whom Brother Boulding had baptized since the split. Bob Ford came up to her while she was talking with me, and said he objected to her going to the Third Baptist Church.

120. Q. Do you of anybody else whom Alexander or his party tried to prevent?

A. Yes, sir; all of them.

121. Q. When you say tried to prevent them coming back, you only mean that he tried to persuade them?

A. That is it.

122. Q. Who have come back since the split?

A. A good many. William Gordon came back last Sunday.

his
EDWARD + DICKSON.
mark.

Witness:
JA'S O. CLEPHANE.

Sworn & subscribed to before me this 24th day of August, '68.
JA'S O. CLEPHANE,
Examiner.

172 *Deposition of Essex Roberts for defendants.*

Examined by Terry, of counsel for defendant:

1. Q. You are acquainted with the parties who brought this suit?

A. Yes, sir.

2. Q. And with the defendants?

A. Yes, sir.

3. Q. Are you a member of this church?

A. Yes, sir; I have been so for about two years.

4. Q. Are you a regular attendant upon the church on the corner of L & 4th streets?

A. Yes, sir.

5. Q. Do you know Dr. Washington?

A. I do.

6. Q. Were you present when he was elected a trustee?

A. I was.

7. Q. Do you remember the occasion of the attack upon him?

A. Yes, sir.

8. Q. Were you there?

A. Yes, sir.

9. Q. When was that?

173 A. I cannot state the time exactly; it was about a month or so after the split in the church.

10. Q. Before the split was finally accomplished?

A. No, sir. You know they split, and went from us, and they came back and took possession again.

11. Q. Had they taken possession of the school-house when they split?

A. I do not know whether it was a school-house or barracks.

12. Q. You say you were present when this attack was made on Dr. Washington. Where were you?

A. I was not present at all the fusses. I was not present when the question was asked about ordaining the deacons, but I was there the night afterwards. I think Austin Robinson asked whether certain deacons could not be ordained. I was not present when this occurred.

Brother Bouldin not being prepared to answer them at that time, they got mad.

13. Q. Robinson belonged to the seceders?

A. Yes, sir. He then asked Brother Bouldin if they could not pay the debt of the church and call another minister. Brother Bouldin thought hard of that question and said so, and stated that he thought
174 it was for the church to answer that question.

14. Q. Was the question answered?

A. A portion of the church, I understand, took the matter in hand, but the seceded party were not satisfied, and they went off. But those who remained settled the matter. Then, as well as I can recollect, Robinson came in at a subsequent meeting and asked pardon of Brother Bouldin. Brother Bouldin told him he could not grant it; that he must go to the church.

15. Q. Please go back to the time when they went into the old church and the time that Dr. Washington came up into the room.

A. They turned us out of the new church, and we went back to the old church and rented it for $4 a month. The first act, in the way of shutting up the church, was when it was closed for peace. As we could not go in there and enjoy ourselves as Christians we determined not to go there at all untill peace could be restored. The church was therefore nailed up by Manson Robinson, who took the keys. Whilst it was so nailed up some of them came, broke a window, and went into the church. They kept possession for some time.

175 16. Q. Who do you mean by they?

A. Brother Alexander's party, as I understood.

17. Q. Well, how about the affair with Dr. Washington?

A. Well, one day I was sitting down in my house quite peacably, when I was waited upon by a committee of three from the seceders, who desired me to get my men together and see if something could not be done to bring about peace. I at once expressed my willingness to do what I could. So, without any authority from the church, I arrange a meeting there.

18. Q. Who were there?

A. On the part of the old church, Brother Dixon, Brother Manson Robinson, and Brother Julius Bouldin, and Thompson & myself. Then there were quite a number of the seceders there; among others, the committee that waited on me. Well, we all got into the church, and proceeded to business.

19. Q. Where did you go?

A. Up-stairs. I think there was a prayer-meeting going on in the vestry.

20. Q. What church was holding the prayer-meeting?

A. The old church people. We went up-stairs to meet the
176 bretheren. I was the ringleader of my men. I said, "Now, bretheren, we are going to make peace, and we ought to organize, in order to be able to proceed to business." The first question I asked was, "Brethren, what do you want." They said, "We want to try and have a talk." I said, "I am in for it." Well, we sat down, and everything was going on beautifully, when Dr. Washington coming in from below, some of the seceding party commenced grumbling. They said, "We don't want him in here." They said he was a conjurer, and we were his sisters in conjuring; that they had lost their suit before Squire Walter because of him. Some one shouted, "Take him out of here." Brother Dixon says it was Alexander. I do not know whether it was or not; but I know on its being said, several jumped up and went at

him. I jumped up and took hold of him, and said, "For God's sake, is this what you all came here for?"

21. Q. Who were the persons who pitched into him; did they belong to your party or to the other party?

A. One was Jesse, of the opposite party, and the other was
177 Williams, of the same party. Those were the ones that I saw strike him. I had taken hold of him in order to protect him, but they knocked around so fiercely that I had to let him go. They then pushed him until they got him to the head of the stairs, and then they knocked him down and kicked him round until they drew blood. I was terribly worried to think that I had been the means of bringing our people there to be thus treated.

22. Q. Was Dr. Washington much hurt?

A. The police had to carry him home. He was afterwards laid up sick.

23. Q. Were there any of those who were not seceders who took any part in the attack of Dr. Washington?

A. No, sir; not one. I will state here, after Bouldin refused to grant the pardon asked for by Robinson, in the hope of quieting things down, I went to brother Robinson one Sunday morning, and tried to reason with him. (Mr. Wilson objected to the witness stating anything that
178 was said.) I told him it was the business of the church to grant pardons, as Brother Bouldin had said, and asked him why, as a Christian brother, he did not give the matter up and say no more about it. Brother Robinson got up and said, "No, Bouldin always said he called the church, instead of the church calling him; that the church was founded on Bouldin, and he intended to break it up." So the affair went on in one form and another.

24. Q. State whether, before Dr. Washington came in there and was so roughly handled, he had been elected one of the trustees.

A. Yes, sir; he had, to my knowledge.

25. Q. State whether, by the church rules and discipline, the trustees are elected periodically, once a year, once in six months, or whether they are elected to serve during good behavior.

A. During good behavior.

26. Q. In all the transactions of church meetings, as I understand it, the female members of the church, as well as the male members, take part in the vote?

A. Yes, sir. On one Thursday night, a year ago last June, some time after the split, the seceders came down from their meeting-
179 house to the old meeting-house, where we were holding a prayer-meeting, and immediately proceeded to nominate a moderator. They came there that night with the intention of putting Brother Bouldin out of the church.

27. Q. Who was it they nominated as moderator?

A. John Dillard.

28. Q. Did he take the chair?

A. I was not there when that was done, but I came in shortly afterwards. The church immediately nominated me moderator, and we turned all those rebels out of the church.

29. Q. Was Mr. Bouldin there?

A. Yes, sir.

30. Q. State what the general conduct of those seceding people was on that Thursday night.

A. They had proceeded with their business and left before I got there.

39. Q. Previous to this time do you know whether Brother Robinson refused to commune with certain members of the church?

A. Yes, sir; I saw him sitting way up on the pulpit steps, with his head turned west.

180 32. Q. What reason did he give for not communing?

A. I did not hear any. All I know is, that he did not commune.

33. Q. Were there any others of the seceding party who refused to commune?

A. I do not know.

34. Q. Do you know William Jefferson?

A. Yes, sir.

35. Q. Was he one of the seceding party?

A. He was.

36. Q. One of the leading men amongst them?

A. He must have been. He was their minister.

37. Q. Did he one day come to you, a member of the old organization, with a paper?

A. He did.

38. Q. Do you know where that paper is?

A. I do not, because I did not see it. I simply saw it in his hand.

(Mr. Wilson objected to all the testimony relating to Jefferson.)

A. He brought that paper to convince me that Squire Walters did decide that both parties could go and take the church. I did not

181 see the paper, but he stated it was to that effect.

39. Q. Did he tell you that Squire Walter wrote that paper?

A. He told me that it was in Squire Walter's handwriting.

40. Q. Do you know whether or not Squire Walters did write such a paper as that?

A. No, sir.

41. Q. At the time Austin Robinson said that he had come to break up the church, to drive Mr. Bouldin off, or something of that kind, who was present?

A. He did not say he came to break it up. It was at his house.

42. Q. Had Robinson, in common with Alexander Wiggins and others, before the split, been active as a deacon?

A. Yes, sir.

43. Q. Do you know whether, by the polity of the church, the deacons meet with the board of trustees when they do business, and act with them?

A. Sometimes.

44. Q. How many members of the church, at the time of the split, went off with Alexander Robinson and the others?

182 A. I am not able to inform you; I know there was forty of the original rebels; there were a great many others who were persuaded off with them.

45. Q. Were they all men?

A. Men and women.

46. Q. Have you any idea as to how many worshipped at that church before the secession?

A. I think there was somewhere between six and seven hundred.

47. Q. About who proportion of that whole number went off with the seceders?

(Mr. Wilson objected to the question.)

A. I could not tell exactly how many went off, because they polluted

so many who concluded to remain at home and not go with either party. There are a great many in that condition, waiting for peace.

48. Q. Were you present at the election of trustees on June 10th, 1867?

A. I could not speak of any particular night; I know we were all the time getting up and replacing men in these vacant places.

49. Q. Do you remember going down to Mr. Barnaclo's office?

183 A. I do; I went down there to certify to new trustees being placed in these vacant places.

50. Q. You do not know whether it was the 10th of June or not?

A. No, sir.

51. Q. There was an election of trustees just before you went to Barnaclo's to make this certificate?

A. Yes, sir.

52. Q. Do you recollect who those trustees were that were elected?

A. Brothers Dixon, Julius Bouldin, & Mr. Pearson.

53. Q. Do you remember of any others? How about Mr. Albert Bouldin?

A. He was an original trustee, and has always been.

54. Q. He has never been turned out?

A. No, sir; not to my knowledge.

55. Q. Then the trustees, just after that election, stood Albert Bouldin, Julius Bouldin, Edward Dickson, Manson Robinson, and William Pearson?

A. Yes, sir.

56. Q. Do you remember of any others?

A. Oh, yes, sir; there was Dr. Washington.

184 57. Q. Had Willis Minor been a trustee before that?

A. Yes, sir, and I supposed he was up to the time he was arrested.

58. Q. Was he turned out for anything, do you know?

A. I don't know much about the old trustees.

Cross-examined by Tho's Wilson, esq., of counsel for defend't.

59. Q. What relation are you to Mr. Bouldin?

A. Brother-in-law.

60. Q. Who do you mean when you say the old church party?

A. Mr. Bouldin's party.

61. Who first broke open that church, and took possession of it against the will of the other party?

A. I think, as well as I recollect, Alexander's party.

62. Q. How long did they hold it?

A. I do not know.

63. Q. Was it a week?

A. Perhaps it was; and it might have been more.

64. Q. Who took possession of it then?

A. I do not know which party took possession of it; I found the door open, and we went in there to worship.

185 65. Q. How long was it after you had been in the habit of worshipping there that you went in there the second time, and found the church door open?

A. I do not know exactly how long. It might have been about a fortnight.

66. Q. Who took possession of it at that time?

A. We found the church open, and went in there.

67. Q. Had not it been held forcibly against you up to this time?

A. It had.

68. Q. Did not you hold it forcibly from that time on?

A. Of course. What I mean to say is this: We held that church forcibly against this party taking possession, and turning us out. It is now held with open doors, everybody being privileged to enter.

69. Q. When did Washington first join the church?

A. I do not know.

70. Q. When did you first see him?

A. Ever since I have been in Washington. He lives here.

71. Q. Was he a church member when you first saw him?

186 A. Yes, sir.

72. Q. Where is he now?

A. I do not know.

73. Q. How long since he has been away from here?

A. They beat him so bad he has run off, and I do not think he has been seen about here since but once.

74. Q. Were any of these trustees elected until after the split and division?

A. Brother Bouldin has been a trustee all the time, and you may say is founder of the whole thing.

75. Q. Is there any other one who held on as trustee?

A. There was one white man, named Pearson, who was called a trustee. I do not know whether he was Brother Bouldin's trustee or trustee for the church property.

76. Q. How many of the present trustees of Bouldin are there who were such before the split?

A. Bouldin is one.

77. Q. Any others?

A. There may be. I do not know.

78. Q. Who were elected since the split?

187 A. Dr. Washington.

79. Q. Were you present when these old trustees were turned out?

A. Yes, sir; and I acted as moderator.

60. Q. Was Alexander, or any of the party who now worship on 9th street, there at that time?

A. No, sir; because they had gone out, got head-strong, not caring to hear sense or reason.

81. Q. Had they not been acting as trustees up to that time?

A. Up to the time when Miner moved to turn them out of the place.

82. Q. At the time this meeting was held of which you were moderator, was the congregation worshipping on 9th street?

A. I don't think they were on 9th street.

83. Q. At what time was the council held?

A. I cannot tell you the exact time, but it was after the new trustees were elected.

84. Q. How long were the trustees elected before the council was held?

A. I do not know.

85. Q. About?

188 A. I could not tell you about the time at all. I know there came a council, or a parcel of fellows there, who burst in upon us, and put us all into confusion.

86. Q. Were not a good many of those fellows ministers of the gospel?

A. They were.

Re-direct by Terry:

87. Q. I will ask you whether this council took the church books?

A. They did, violently. The council came there contrary to the church government. The church is its own sovereign, and calculated to do its own business. Brother Bouldin, in order to give satisfaction, brought in the books. They appointed a committee to examine the books, who took them away.

88. Q. To whom did they give the books?

A. To Lee.

89. Q. Do you remember the church ledger, as it is called?

189 A. The church ledger and other books were taken out of my hands. They had the majority, and for peace' sake I gave them up. They were afterwards handed over to Lee—Ja's H. Lee.

90. Q. Was this before Lee took the leaves out of this book?

(Objected to by Mr. Wilson as being irrelevant.)

A. The books were all in a perfect condition when they were given into the hands of Lee.

91. Q. Whose writing was in the books?

A. Brother Bouldin had been the original clerk. There were other clerks off and on, but he was the main one. He acted as clerk because we thought him better calculated to keep the books than any of the others.

92. Q. Where have you since continued to worship?

A. In the old place, corner of 4th & L.

93. Q. Is the church usually well filled on the Sabbath?

A. We sometimes have 300, and at other times again not more than 30. I suppose the average number is 150.

94. Q. That does not include all the communicants of the church?

190 A. No, sir. There are a great many who, while they did not go off with the seceders, still do not attend. They remained at home, waiting for peace, or go elsewhere.

ESSEX ROBERTS.

Sworn and subscribed to before me this 20th day of Aug., '68.

JA'S O. CLEPHANE, *Examiner.*

191 *Defendants' exhibit marked "Ex. B(d), J. O. C."*

WASHINGTON, D. C., *September* 20, 1867.

Pursuant to a call issued by the Third Baptist Church, (colored,) of this city, a council assembled in their meeting-house, corner of Fourth and L streets, this afternoon.

Rev. Mr. Bouldin, pastor of the church, read the call issued by the church, and stated that it had been sent to the following churches and bretheren, viz: First Church, Calvary Church, E-street Church, Navy Yard Church, Island Church, deacons of First Colored Church, Washington; First Colored Church, Alexandria, Va.; Beulah Baptist Church, (colored,) Alexandria, Va.; Rev. S. P. Hill, D. D.; Rev. Tho's F. Jones.

The following persons were found present in response to the call:

Rev. C. C. Meador, Island Baptist Church.
" S. P. Hill, D. D.
" E. Lockwood.

192 Rev. W'm F. Nelson, Calvary Church.
" S. H. Mirick, " "
" Mr. Jones, " "

Deacon W'm Muse, First Colored Church, Washington.
" Henry Bailey, Fourth Baptist Church.
Rev. Mr. Robinson, First Colored Church, Alexandria.
" Albert Bouldin,
Julius Bouldin,
Edward Dickson,
Essex Robertson,
W. Piercy,
C. Piercy,
} Third Baptist Church.
Rev. W'm Lee, Island, pastor.
" Laws, Arlington Heights, Va.

On motion, Rev. S. P. Hill, D. D., was called to the chair, and Rev. S. H. Mirick, clerk.

Prayer by Bro. W'm F. Nelson.

1867–'68, SEPTEMBER 25TH.

193 The church adopt unanimously the proceedings of the council by the vote of the church at a regular meeting of business.

ALBERT BOULDIN, *Pastor.*

ESSEX BEDFORD, *Church Clerk pro tem.*

APRIL 23D, 1868.—Council advice.

After statements by Rev. Mr. Bouldin, and consultation by members of the council, the following resolutions were passed:

1. *Resolved*, That we, the council, consider the brethren calling us together to be the Third Baptist Church, (colored,) of Washington.

2. *Resolved*, That we advise the church to be patient with those who are disposed to follow excluded members; and if, after due waiting, they are found to be obstinate, to deal with them according to articles 18 and 20 of the church rules.

Adjourned with prayer by Bro. Robinson.

S. H. MIRICK, *Clerk.*

194 The above is, as nearly as I can recall them, a true copy of the minutes of the council, as I once handed them to the Third Baptist Church, (colored.) They contain the action of the council essentially.

S. H. M.

"Knowing each member of the above council, I have all confidence in the wisdom of their decision.

"A. D. GILLETTE."

"In fullest confidence in the united wisdom and discretion of above council, I fully endorse their decision.

"JOHN BRAY."

195 *Deposition of Manson Robinson for defendants.*

Examined by Terry, of council for the defendants:

1. Q. Do you know the parties to this suite?

A. Yes, sir.

2. Q. How long have you known Mr. Albert Bouldin?

A. I have known him for years. I knew him in Virginia before he came here.

3. Q. Are you a member of the Third Colored Baptist Church, corner of L & 4th?

A. Yes, sir; I had been a member when this trouble happened, I suppose, about eighteen months.

4. Q. Do you still remain a member of that church?

A. Yes, sir.

5. Q. Were you present at a church meeting held on the 10th of June, 1867, at which an election of trustees was had?

196 A. I was not present when they first split up. The thing went on for about two nights, when a person—I think Essex Roberts—came down to my house, and says, "I want you to come up to Brother Bouldin's. There has been a fuss kicked up, and the remains of the church are going to hold a little church meeting." Says I, "All right; I do not feel very well, but I will go up." I went up there, and found some eighteen or nineteen of the old sisters and brothers sitting round. When I came in one of them got up and said, "Manson Robinson has been nominated for a trustee of this board to fill the place of one *of one* gone away. Now, all in favor of his so doing will signify it by rising." All rose. I reckon, then, I was elected; and that I was nominated the day before.

6. Q. Do you remember what time this was?

A. It was summer time.

7. Q. Did you go down to Justice Barnacloa's?

A. Yes, sir.

197 8. Q. For what purpose?

A. To certify that I was trustee, or something of that kind. There were two white men there.

9. Q. You afterwards acted as trustee with the rest of them?

A. Yes, sir.

10. Q. At this time, when you went before Squire Barnaclo's, where had those who had seceded from the church gone?

A. I understood that they worshiped in some barracks, or something of the kind. Then they appointed a regular place of worship, and I went and worshiped with them occasionally, because I love the people there; and as we are all working for the Lord, I think I have as much right there as any one else.

11. Q. Were you present when the church was nailed up?

198 A. Yes, sir. The way of it was this: These 16 or 18 persons were there arguing about peace, and that day they had me as a committee—I suppose a man who was to speak. "Well," they said, "Brother Manson Robinson will speak." I reckon I was chairman. I said, "I move that this church be closed;" not that it be closed against either party, but that it be nailed up until peace is made. The motion was agreed to, and I was directed to close the place. I did so. I got a long piece of board, and a handfull of old rusty nails, and nailed the door up, and then went to every window and put over the top two or three nails. Then I went out the back door, taking the keys and locking it after me. I took the keys to my house and put them away.

12. Q. How was that church next opened?

199 A. Julius Bouldin comes to my store one day to have me go to the church to attend to some business there. When I got there I found at the door a dirty, old, ragged white man, with a red shirt on, who asked me where Alexander lived. I told him. He says, "You go up there immediately, and tell him to send me those keys that he has." I called on Brother Alexander; called him aside from some persons who were at his house, and told him what this man, whom I didn't

know from Adam, had told me. Alexander came down with me, but refused to give up the keys. The man with the red shirt then set to work and unlocked them with some wire.

13. Q. Do you remember the time when the church was broken by the party of seceders?

A. I was not there at that time. I can give an account of the beating of Dr. Washington.

14. Q. Have you kept the keys of that church since you fastened it up?

A. I have got the old foundation keys.

200 15. Q. Tell me how Alexander and his party got into that church.

A. I do not know exactly.

16. Q. Could they have gotten in without breaking in?

A. No, sir; unless they had a key to fit that back door, because every other place was nailed up.

17. Q. Don't you know that it was afterwards discovered that some nails were broken?

A. No, sir; I do not know.

18. Q. Were you present when the attack was made on Dr. Washington?

A. I was.

19. Q. Were you in the room up-stairs when Dr. Washington came into it?

A. Yes, sir.

20. Q. Was Essex Roberts there?

A. Yes, sir.

21. Q. Who of the other party were there?

A. I know Joseph Alexander and Austin Robinson were there.

22. Q. What occurred?

201 A. When Dr. Washington came up, as soon as Alexander saw him, there was some muttering on the part of several of his party, and he instantly said, "Take that man out of here." As soon as he said that, the people commenced shoving and kicking him down-stairs. They soon kicked him down to the foot of the stairs out of my sight.

23. Q. What did Dr. Washington say?

A. He hallowed murder at every step.

24. Q. Was he quite an eldery man?

A. His hair was mixed like.

25. Q. What did they strike him with?

A. With sticks.

Cross-examination by Tho's Wilson, esq., of council for compl't:

26. Q. Where was the first meeting, of which you spoke, held?

A. In old man Bouldin's house.

27. Q. And that is the time when you were elected trustee?

A. Yes, sir.

202 28. Q. You do not know when any of the rest were elected?

A. No, sir; I heard them say that night.

29. Q. How many were there present?

A. I have told you some 18 or 20.

30. Q. About this lock and key business, who was present when this lock was picked?

A. A good many people gathered around there.

31. Q. Name one.

A. Alexander was there.

32. Q. Did he help to get in?

A. No, sir.
33. Q. In which party was the locksmith in the interest of?
A. I do not know.
34. Q. Did Alexander come down with you when you went after the keys?
A. Yes, sir.
35. Q. Didn't Conner come down with you, and Alexander stay back?
A. No, sir.
36. Q. Didn't Alexander come down alone?
203 A. I think, now, Conner did come down with me.
37. Q. Who, besides Roberts, in the interest of Bouldin, were there?
A. Roberts was not there.
38. Q. Was Dixon there?
A. He might have been.
39. Q. Were not the persons who were there in the interest of Bouldin?
A. I could not say.
40. Q. Was Julius Bouldin there?
A. I could not say.
41. Q. Was William Robinson?
A. I could not say.
42. Q. When the locks were picked and the doors opened, who went into the church?
A. I did.
43. Q. Did you go up-stairs?
A. I did.
44. Q. Did any one else bside you go into the church?
A. I cannot tell you.
45. Q. Did Alexander?
A. I do not know whether he did or not.
204 46. Q. How long did the old man stay there?
A. He was only there a few minutes.
47. Q. Did you leave the church open?
A. Yes, sir. I believed I just walked off from the church.
48. Q. What other door did the man with the red shirt open?
A. The little door that leads up the steps.
49. Q. Were the locks taken off at the time?
A. I could not tell you.
50. Q. Do you not belong to Bouldin's party?
A. I belong to no party.
51. Q. Are you one of the trustees of that church?
A. I was appointed a trustee.
52. Q. Are you now?
A. The old man expelled me from the trusteeship.
53. Q. How long since?
A. I do not know how many weeks or months.
54. How did he do it?
A. They took a vote on it.
205 55. Q. In the church?
A. Yes, sir.
56. Q. About how long go was that?
A. I don't know.
57. Q. Has it been a month or six months?
A. It has not been six months.

58. Q. Did you serve as trustee from the time you were elected until the time you were expelled?

A. Yes, sir.

59. Q. Has not Bouldin and his party worshipped in that church continuously from the time the locks were picked by that dirty, ragged, old man?

A. Yes, sir.

60. Q. Where was this meeting held that instructed you by vote to nail up the church?

A. In old man Bouldin's house.

61. Q. You say you went to Barnaclo's to certify that you were one of the trustees. Did you not sign your name, or make your cross-mark?

206 A. Yes, sir.

62. Q. Was it not for a deed of trust on that church property?

A. Yes, sir.

MANSON his + mark. ROBINSON.

Witness: JA'S O. CLEPHANE.

Sworn & subscribed to before me this 20th day of August, 1868.

JA'S O. CLEPHANE, *Examiner.*

Adjourned till Thursday, August 20th, 1868.

JA'S O. CLEPHANE, *Examiner.*

207 AUGUST 24TH.—Met pursuant to adjournment. Present, Terry, of counsel for defendant, and witness James H. Lee & William R. Woodard.

Witness James H. Lee, having been previously examined in chief by Mr. Thomas Wilson, of council for complainant, was cross-examined by Terry, for defendants, as follows:

1. Q. In your direct examination you testified as to the length of time you were clerk of this Third Colored Baptist Church?

A. Yes, sir.

2. Q. Up to how late a date did you act as clerk of that church?

A. Up to this date.

3. Q. Where have you entered the proceedings as clerk of the church during the whole term up to this date?

208 A. In that church book containing the proceedings.

4. Q. Then I understand you to say that you, as clerk, have kept the minutes of all the church meetings from the time you were first elected up to the present time?

A. Yes, sir.

(Mr. Terry here proposed to offer the book referred in evidence, and it was marked Exhibit "E"(d), J. O. C.)

WITNESS. Don't understand me as saying that all the records are kept in that book. Since November 10, '67, the records have been kept on sheets of paper, which have been filed in this case. I could not keep the minutes in that book when it was in court.

5. Q. When you say you were clerk of the Third Colored Baptist Church up to this time, explain yourself.

A. I have been a clerk from the day I was elected. I have been re-elected every year since that time.

209 6. Q. When were you last elected?

A. The last election was when we elected the officers for this ensuing year. I disremember the date.

7. Q. About when was it?

A. Last February, I think.

8. Q. Where were you elected?

A. On 9th street, in the Third Baptist Church.

9. Q. When you speak of the Third Baptist Church, do you mean the church building?

A. No, sir; I mean the members who constitute the church.

10. Q. Where do thes members that you call the Third Baptist Church hold their meetings on 9th street?

A. In the school-house, between P & Q.

11. Q. Is it used now as a school-house?

A. Yes, sir.

12. Q. White or colored?

A. I do not know.

210 13. Q. In the February election preceeding the last, where were you elected?

A. Corner of 4th & L sts., the Third (col'd) Church building.

14. Q. Did you worship at that church in February, 1866.

A. Yes, sir.

15. Q. How long did you yourself continue to worship there?

A. I joined that church the 8th day of July, 1865, and remained up to the time of the split.

16. Q. You were asked on your direct examination this question: "Am I to understand you that these entries in the book, (book marked Exe. "E"(d), J. O. C.,) and those entered on the sheets of paper that you refer to, contain all the proceedings that have been had from the time of the organazation of the church down to the last day that is mentioned?" Do you remember that you answered, "There might

211 have been other proceedings, but no account was made of them so far as I know?"

A. Yes, sir.

17. Q. What do you mean by saying, "So far as you know?"

A. I was not present at all the meetings that the church held. It is possible the other brethern might have taken a note of other proceedings, which I never received.

18. Q. After you and *you and* your party left the church building at the corner of 4th & L streets, did you keep any of the proceedings as clerk of the congregation that continued to worship in the old church?

A. No, sir; not after we finally left there.

19. Q. You do not then know what proceedings took place?

A. No, sir.

212 20. Q. Then, when you say that you kept the proceedings as clerk up to this time, you mean as clerk of the seceding party, don't you?

A. Yes, sir.

21. Q. And when you call it the Third Baptist Church, you call it so because you understand it to be so?

A. Yes, sir; because the association has so decided.

22. Q. In your direct examination you speak of the party that did not follow Mr. Bouldin. Who do you mean by that party?

A. I mean the party out on 9th street.

23. Q. Do you know what your answer was to the question as to what paper marked No. 3 contained?

A. The names of the members who continued with Mr. Bouldin, I think, was my answer.

24. Q. Does it contain all the names that continued with Mr. Bouldin?
A. I do not know. It contained as many as I had an understanding of.

213 25. Q. Do you remember being asked on your direct examination as to how many names are on the list of those who worship on 9th street with the seceding party.

A. Yes, sir; there 204, I think, at that time.

26. Q. How many of that 204 returned to the church on the corner of 4th & L since they seceded.

A. Not to my knowledge.

27. Q. Do you swear that they all continue to worship on 9th street?

A. I could not go so far as to swear that they all attend the church on 9th street regularly, but I know of none who have gone back to the other church.

28. Q. Do you know James Gordon?

A. No, sir.

29. Q. Do you know Rachal Getes?

A. I know the name, but I do not know her particularly.

30. Q. Did she worship for a time on 9th street?

214 A. I do not think she ever did.

31. Q. You speak in your direct examination of having the proceedings of the first council called. Who kept the proceedings of that council?

A. Brother Walker, the pastor of the Shiloh Baptist Church, on L street.

32. Q. How do you know that the paper that you exhibited on your direct examination as containing the proceedings were the correct proceedings?

A. Because I was there and saw him taking them down.

33. Q. This paper that you produced as the proceedings of the first council, was it the original kept by the clerk of the council?

A. Yes, sir. No; I take that to be a copy of the original.

34. Q. From whom did you procure this paper which you put in as the proceedings of the first council?

215 A. From the clerk.

35. Q. Did you ask him for it?

A. I did not. I think Brother Jefferson got it from him. He told me so.

36. Q. And you judge it was correct from your general recollection of the proceedings?

A. Yes, sir.

37. Q. You produced on your direct examination what purported to be the proceedings of the second council; from whom did you get them?

A. They all came from the clerk, Mr. Walker. He delivered them all to Brother Jefferson at the same time. I did not have the papers. Brother Jefferson gave them to Mr. Wilson, who questioned me in regard to them.

38. Q. How do you know Mr. Jefferson gave them to Mr. Wilson?

A. Because he told me so.

39. Q. Were you present at the third council?

A. No; I do not think I was.

216 40. Q. How do you know they are the correct proceedings of the third council?

A. I judge they were from what I was told went on.

41. Q. These proceedings of the first, second, and third councils, as I understand you, were kept by Brother Walker; copies handed to

Brother Jefferson, as you were informed; and by him presented to Mr. Wilson?

A. Yes, sir.

42. Q. Do you remember being asked on your direct examination as to whether you had filed or omitted to notify Mr. Bouldin, the pastor, of either of the councils?

A. Yes, sir; and I replied, I think, as was the fact, that I had written the notices and sent them out. Whether Brouther Bouldin received his or not I could not say.

43. Q. You state in your direct examination that Mr. Bouldin was turned out of the church. Who turned him out?

217 A. The principal body of the members. I disremember the time when the meeting was held, but the place was on the corner of 4th & L. The book containing the proceedings (book marked Ex. "E"(d), J. O. C.) will show the time.

44. Q. Was it before the split?

A. I think it was before we entirely split. It was before we left the corner of 4th and L street.

45. Q. Where did you hold your first meeting of the seceded members?

A. On 9th street, at the school-house.

46. Q. Did you first go to some barracks?

A. No, sir; the school was the first place that I know anything about.

47. Q. When was it you first met on 9th street?

A. I think it was in July, 1867, on a Sabbath.

48. Q. How met there on that day?

A. I cannot tell. I disremember whether I was present at the first meeting.

49. Q. How do you know, then, whether the first meeting was

218 held there or somewhere else?

A. I say that is the only place I know anything about. They did not tell me of any other.

50. Q. Were you present at the second meeting on 9th street?

A. I think I was.

51. Q. Was that a Sabbath?

A. I disrecollect, but it must have been on a Sabbath, as I am too much confined during the week, as a general thing, to attend.

52. Q. How many were there then?

A. I canot tell; I know there was over thirty.

53. Q. Don't you know that, on this same Sabbath when you went to the 9th street house, *that* those who did not succeed with Mr. Bouldin had a meeting?

A. They might have.

54. Q. On your direct examination you produced a paper marked Ex. "H," which you swear was a copy of the charges against him?

219 A. Yes, sir; that is a copy.

55. Q. Where is the original?

A. It is on the book containing the proceeds. (Ex. "E"(d), J. O. C.)

56. Q. Under what date are these charges found in the book?

A. June 17, 1867.

57. Q. At the meeting of June 17, 1867, who was present?

A. There was about 100 present; I do not remember who they were.

58. Q. How many of Mr. Bouldin's party were there?

A. I do not know that any were.

59. Q. Who called this meeting?

A. It was called by the church.

60. Q. By all the members of the church?

A. No, sir; the officers, of course, were the head ones.

61. Q. What notice was given?

A. Notice was given out in church that they should meet to
220 ransact business; of course, they did not know what business would be before the meeting.

62. Q. When was the notice given in church?

A. In that same week, I suppose.

63. Q. Was this meeting of June 17 on a Sunday or a week day?

A. I think it was on Wednesday night.

64. Q. Who were the head officers who called that meeting?

A. Brother Joseph Alexander, Brother Autin Robinson, and several others.

65. Q. How did they call it?

A. They notified members to be there.

66. Q. Were you present when they did so?

A. No, sir; but they told me so.

67. Q. Then you do not know how or when they called that meeting, except from what you heard?

A. That is all; Brother Robinson notified me.

68. Q. Did you notify anybody?

A. No, sir.

69. Q. Were you present the Sunday before this June 17th?

A. I cannot say I was.

221 70. Q. Was not this after the time that they had driven Mr. Bouldin out of the church and locked it up?

A. I think it was before that time.

71. Q. How did you get into that church?

A. I think the sexton had the key. His name, I think, is James Lewis.

72. Q. Did you know at the time that Joseph Alexander had this key of the church in his possession?

A. Yes, sir; I knew he had it.

73. Q. How did he get it?

A. I disrecollect whether he got it from the sexton, or how.

74. Q. At the time of this meeting of June 17th, ——— did not Alexander have the key on the previous Sunday?

A. He might have.

75. Q. In this book (Exc. "E"(d), J. O. C.) the entry of proceedings of June 17, 1867, are in your handwriting; those of June 18, 1867, also, with the exception of the four lines appended?

222 A. Yes, sir.

76. Q. In whose handwriting are those additional lines?

A. Brother Jefferson.

77. Q. Who is he?

A. He is one of our members. He is a minister of the gospel. He was at one time clerk of the church.

78. Q. He preches now to the seceding party?

A. Yes, sir; sometimes, when he is here.

79. Q. Were you present when he wrote those lines?

A. I presume the book was at the church when he wrote it. When I could not be there I used to send the book up.

80. Q. You were not there on June 18?

A. I think I was; I must have been. I remember now that Brother

Jefferson told me this that is added was something that I had omitted, and he put it on there.

81. Q. How did he get the book?

A. I do not know exactly. He must have got it by sending to the church.

223 82. Q. Is this that is added a resolution of expulsion?

A. No, sir; that is merely a resolution preparing for it. You will find in my handwriting over these all that is said about excluding him.

83. Q. Where was this meeting of June 18th held?

A. In the meeting-house, corner of 4th & L streets.

84. Q. Where was the meeting of July 5, 1867, held?

A. I think it was held at the same place.

85. Q. Where was the meeting of July 12 held?

A. I am not certain, but I think that was held there also. No; I think that was held in the school on 9th street.

86. Q. Between the date of July 12, 1867, and September 19—two months and seven days—did you have any church meeting?

A. We had a church-meeting every month. Then sometimes we had called meetings.

87. Q. Show me the proceedings of any church meeting in August, will you?

224 A. We generally have a church meeting every month. I do not find that there was any during the month of August. It was probably omitted on account of the fuss.

88. Q. There is none there from July 12 to September 19th, is there?

A. That is the time, doubtless, that we out of doors, and had no place to worship.

89. Q. Where were these seceders from July 12, 1867, to September 19, 1867, as a body?

A. I think they were a part of the time in the same place.

90. Q. When did they first leave the old church organization?

A. I think in July.

91. Q. From June 17, when you had this meeting, where charges were prepared against Mr. Bouldin, up to the 12th of July, the last proceedings in here, who was in possession of the old church during that time?

A. Mrs. Bouldin.

225 92. Q. During all that time?

A. Yes, sir.

93. Q. Didn't your party, on the 9th of June, secede?

A. I disrecollect what day it was.

94. Q. You have sworn it was in July?

A. I did not swear to it. I did not state so positively. I merely said I beleaved so. I am not positive.

95. Q. How is it that from May 10th, '67, to June 17th, 1867, a month and seven days, six Sundays, that there is no record? Can you explain it?

A. I do not know. That was at a time when I was not present. I was not present when this fuss broke out. That was the time they sent around to my house and got the book and carried it to the church. Instead of bringing the book back they left it there, when Mr. Bouldin got it in his possession, and kept it until the council delivered it

226 to me. That was the second council.

96. Q. About what time was that?

A. I think it was somewhere along about the 26th of June.

97. Q. Then the reason you give why no proceedings are entered from May 10th to June 17th is that you were not present, and had not the book?

A. Yes, sir.

98. Q. If Mr. Bouldin got this book between May 10th, 1867, and the time the second council delivered it to you, how came it into your possession so that these proceedings of June 17 were written up?

A. I kept the proceedings on paper; and when I got the book I entered them in there.

99. Q. This entry, then, is a copy?

A. It is a copy of the proceedings as taken down at the time. Those of the 18 of June were written down in the book at the time they
227 occurred, I think, though I am not sure.

100. Q. Where are those slips of papers on which you made those entries?

A. I think they are destroyed.

101. Q. Who pasted these two leaves together?

A. I did.

102. Q. What for?

A. When Mr. Bouldin had this book, after we had left the church, he wrote on these leaves a few names, claiming that they had been elected trustees in place of the others. When I obtained possession of the book I got consent of the brethern to paste them together.

103. Q. That was between May 10th, 1867, and June 17, 1867?

A. Yes, sir.

104. Q. Then you had left this church?

A. Yes, sir.

105. Q. Were not some of you turned out?

A. No, sir.

106. Q. Not one?

A. They could not turn a member out without turning him
228 out personally.

107. Q. Were not some of them turned out by a vote of the church?

A. No, sir.

108. Q. What was on these pasted leaves besides the names of the new trustees?

A. He had just put on there that they had elected new trustees in place of us who had gone away.

109. Q. What was the date?

A. I disremember.

110. Q. Were you present at the council when Mr. Bouldin brought this book there?

A. Yes, sir.

111. Q. Was it there delivered to you?

A. Yes, sir.

112. Q. Was it whole and entire, so far as you know, when it was delivered by him to you?

A. It was just as it is now, with the exception of those two leaves being pasted together.

229 113. Q. Was it in the possession of anybody else besides yourself after it was delivered to you by the council?

A. I think Brother Jefferson had it once.

114. Q. How long did he have it?

A. No time hardly at all.

115. Q. Did he take it away from your place?

A. I think he must have had it at the church.
116. Q. Who else had it?
A. I do not know that any one else had it.
117. Q. State whether you do not know now that the seceding party, after they left, had a meeting at some other place than the school-house.
A. I do now recollect of their having a meeting at Millard's school-house; but I forget for how long.
118. Q. Where was that school-house?
A. On H street, between 6th & 7th.
119. Q. That is, before you went to the 9th street school-house,
230 of course?
A. We went to the 9th street school-house twice, I think.
120. Q. When did you meet at the school-house on H street?
A. I do not recollect.
121. Q. Were you present?
A. I went there sometimes.
122. Q. Did you not swear, in the forepart of your examination, that to your knowledge the seceders never went anywhere after they left the old church at the corner of 4th & L until they went on 9th street?
A. I said not as I know of. It came to me just now.
123. Q. How many times did you worship at the school-house on H street?
A. I do not recollect.
124. Q. How many people did you have at that school-house on H street?
A. Sometimes it was crowded.
125. Q. (Producing two small books marked Exh's F & G(d),
231 J. O. C.) Do you know anything about these two books?
A. I can swear they, among the others, were given into my hands by the council.
126. Q. Did you see him deliver them to the council.
A. Yes, sir.
127. Q. Were these two in that package?
A. Every one of those.

JAMES H. LEE.

Sworn and subscribed to before me this 24th day of August, 1868.
JAMES O. CLEPHANE, *Examiner.*

232 *Deposition of William R. Woodward for defendant.*

Examined by Terry, of council for defendant:

1. Q. Are you connected with the board of education in this city?
A. I was up to the 1st of July.
2. Q. How long were you?
A. About two years and a half.
3. Q. You are well acquainted with the school-houses in this city?
A. I am with those in the Third and Fourth wards, second district.
4. Q. Do you remember the size of the school-house on 9th street, between P & Q.
A. I do.
5. Q. About what was the size of the audience room below?
A. I think 18 by 30. We used to seat sixty children in there; and then there was a space at each end.

233 6. Q. Of grown people, a mixed congregation, how many would that room accomodate?

A. It would seat sixty. I do not know how many could have crowded in the open spaces.

7. Q. Could one hundred be comfrtably accommodated?

A. It would cause them to be somewhat crowded.

WM R. WOODWARD.

Sworn and subscribed to before me this 24 day of August, 1868.

JAS O. CLEPHANE, *Examiner.*

Adjourned to meet on Thursday, August 27th, 1868, at the criminal court-room, at 11 o'clock.

AUGUST 27TH.—Met pursuant to adjournment. Present, Mr. Wilson, of counsel for complainant, and Mr. Terry, of counsel for defendant; also several witnesses.

234 *Deposition of Priscella Bouldin for defendant.*

Examined by Terry, of council for defendant:

1. Q. Are you the wife of the Rev. Albert Bouldin?

A. Yes, sir.

2. Q. Are you a member of the Third Colored Baptist Church?

A. I am.

3. Q. When did you first become a member of that organization?

A. When the church first began, in 1857. It was started in our house.

4. Q. How many were there who belonged to it at first?

A. About thirteen or fourteen.

5. Q. State whether they formed themselves into an organization.

A. They did.

235 6. Q. And called it the Third Colored Baptist Church?

A. Yes, sir.

7. Q. Did it continue to increase in numbers up to 1867?

A. Yes, sir.

8. Q. During the summer of last year, was there some trouble in the church?

A. Yes, sir.

9. Q. What was the result of that trouble; did a good many of them leave?

A. A good many left.

10. Q. Did the old church, before this trouble, build a place of worship?

A. Yes, sir; on the corner of 4th & L.

11. Q. Where did those who left go?

A. They told me that they went to some barricks when they first went away.

12. Q. Where did they finally settle down?

A. On 9th street, in a school-house.

13. Q. Who was the first pastor of that church?

A. Mr. Bouldin.

14. Q. Has he been pastor ever since.

236 A. Yes, sir.

15. Q. Have those who seceded and went off to the 9th street school-house had anybody to preach to them since?

A. Had a local man, called William Jefferson.

16. Q. Who is he?

A. He was a member of the old church.

17. Q. When did he join?

A. I cannot tell exactly; but was a long while after the first organization.

18. Q. While he was a member of the old church, what was his business?

A. Part of the time he was employed at Gen. Rucker's, I think, as a messenger.

19. Q. Has he ever, to your knowledge, been regularly installed as a minister of the Gospel in the Baptist Church?

A. Not that I know of.

20. Q. He preached on his own hook when he did preach.

(Objected to by Mr. Wilson.)

A. The Third Baptist Church gave him licence to preach,
237 through Mr. Bouldin. He was not an ordained Minister.

21. Q. Were you a general attendant at the old church up to the time of the split?

A. Yes, sir.

22. Q. Do you remember what proportion of the members of the church before the split were females?

A. The most of them were.

23. Q. Do you know at what time these persons who seceded left?

A. I do not know whether it was in June or July.

24. Q. Do you know what the first trouble was?

A. It was something concerning women.

25. Q. What was that trouble?

A. It was because some of the men looked as if they were not satisfied with one woman.

26. Q. Do you know who it was the pastor, Mr. Bouldin, complained of as having more women than he ought to have?

A. Complaint was made to Mr. Bouldin. Joseph Alexander was the one complained of.

27. Q. Was he a member of the church?

A. Yes, sir. He was a deacon.

238 28. Q. When that complaint was made to Bouldin, what did he do?

A. He went and talked to him about it, as I did myself.

29. Q. Was there a church meeting on the subject afterwards?

A. Yes, sir.

30. Q. What was done at that meeting?

(Objected to by Mr. Wilson.)

A. They turned a woman out, and also Joseph Alexander; that was before the split. The woman's name was Sarah Ann Shepperson.

31. Q. Some of the members took sides with Alexander, did they not?

A. A. great many pretended to be against him at first, and then went and took sides with him.

32. Q. It went on from one thing to another until finally they seceded?

A. Yes, sir.

33. Q. Tell us how many belonged to the old organization before the split.

239 A. Six or seven hundred.

34. Q. About how many, according to your best judgement and recollection, left?

(Objected to by Mr. Wilson.)

A. I suppose about 200.

35. Q. Have some of those returned and again united with the church?

A. Yes, sir.

36. Q. Does the old congregation continue to worship at the church corner of 4th & L?

A. Yes, sir.

37. Q. Do you know anything about these two books? (Marked Ex. ———.)

A. I know that Mr. Bouldin hid those two books. I attempted to go down and take them away, but they crowded us so that I concluded to let them alone. I thought nobody would trouble them. This was when the council was at the Second Church.

38. Q. Do you know who got them?

A. No, sir. I knew they were Mr. Bouldin's private book
240 and I have been sorry since that I did not get them.

39. Q. Were you present at any time at the old church building when there was violence, by words or actions, done towards Mr. Bouldin and his party?

A. I was there when they drove us out.

40. Q. About how long was that after the trouble in relation to Joseph Alexander and the women?

A. About a month.

41. Q. Alexander and his party drove you out of the church?

A. Yes, sir. Alexander's party met up-stairs and we down-stairs. We were holding prayer meeting. He came down and interrupted us in our religious exercises. He says, "Get out of here; I want to fasten these doors." We closed our meeting and left. He locked the doors and took the key.

Cross-examined by Mr. Wilson, of council for compl's:

42. Q. Did you ever see Jefferson officiate as preacher atthe
241 9th street school-house after the split?

A. I never saw him; but I heard it said that he did.

43. Q. Do you know that he worshiped up at Rucker's?

A. Yes, sir; I know Dr. Bouldin worked three or four days to get him in there. He told me that he was employed there, but did not mention in what capacity.

44. Q. About how long after this split was it when Alexander was turned out?

A. A month.

45. Q. Were you there when he was turned out?

A. Yes, sir.

46. Q. Who preferred the charges against him?

A. Austin Robinson; he came into my house and did it?

47. Q. Were the charges preferred against him in church meeting?

A. They were preferred before the church meeting. He came to my house and said he would not commune with Alexander. He was after
Mr. Bouldin to settle the matter. I told him it was the deacons'
242 business, and to let Bouldin alone.

48. Q. Was that the only charge made against him?

A. That was enough. Austin Robinson was always taking about it.

49. Q. Did he talk about it in church?

A. I do not know whether he did or not.

50. Q. Was there a committee appointed to examine into the matter?

A. Yes, sir.

51. Q. Did the church vote upon the question whether Joe Alexander should be turned out or not?

A. They did not do anything else. When they turned the women out, they turned him out also.

52. Q. Were you present at the meeting?

A. Yes, sir.

53. Q. How many persons were there?

A. There were not many less than 500. A great many were interested in him.

54. Q. How did they vote on the question of turning him out?

243 A. By ayes and noes.

55. Q. Who was the moderator of that meeting?

A. Mr. Bouldin.

56. Q. Who was the clerk?

A. Mr. Bouldin, I think. We sent a committee down-stairs to confer upon the matter, and they came up and reported in favor of turning him out. A vote of the church was then taken, and he was turned out.

57. Q. And that was a month before the split?

A. Yes, sir.

58. Q. Did not Alexander, after that time, regularly attend the church?

A. He attended up to the time of the split, and then went with the others.

59. Q. Was it this trouble you speak of that caused the slit, or was it about the money matters?

A. No, sir; there was not a word said about money matters; I do not believe it was thought about; it all started from this cause.

60. Q. You say some who went off have come back?

244 A. Yes, sir.

61. Q. Who?

A. Mrs. Jackson, and a girl by the name of Rachel Giles.

62. Q. When did Mrs. Jackson come back?

A. She did not stay away very long. She was not satisfied up there, and so came back.

63. Q. How do you know that?

A. She said so; I only know what she told me.

64. Q. Do you know that she went away?

A. Yes, sir.

65. Q. How do you know it?

A. Because she told me herself.

66. Q. Was this the charge made against Sarah Ann Shepperson: that she was the second wife of Joe Alexander, and that that was what she was turned out for?

A. Yes, sir.

Re-drect by Terry, of council for def't:

245 67. Q. Do you mean to say that Alexander and the woman Shepperson were turned out because Alexander had a second wife, or because he had two wives?

A. Because he had too many.

68. Q. What was it that Sarah Shepperson told you about it?

A. Joe Aalexander got the licence, and married the wife he has; but that she had him first.

69. Q. Where did she tell you this?

A. At my house.

70. Q. Did she have any talk about this subject at Mrs. Mitchell's?

A. Yes, sir; and that is what brought it up.

71. Q. What was that?

(Objected to by Mr. Wilson.)

A. I was trying to shame her into the thing. I had talked to her often, and then she began to abuse Mrs. Mitchell. It seems Mrs. Mitchell had got between her and Joseph Alexander.

246 her
PRISCILLA + BOULDIN.
mark.

Witness: JA'S O. CLEPHANE.

Sworn & subscribed to before me this 27th day of August, 1868.
JA'S O. CLEPHANE, *Examiner.*

247 *Deposition of Julius Bouldin for defendant.*

Examined by Terry, of counsel for defendant:

1. Q. What relation are you to Albert Bouldin, one of the defendants?

A. I am his son.

2. Q. Is this lady who testified your mother?

A. Yes, sir.

3. Q. How old are you?

A. I suppose about 34 or 35.

4. Q. Are you a member of the Third Colored Baptist Church?

A. I am, and have been so since 1865.

5. Q. Where did the congregation worship when you joined the church?

A. At the corner of 4th & L.

6. Q. Have you continued to worship there, with some interruptions, since?

A. Yes, sir.

7. Q. Who was the pastor of that church during all the time you were a member of it?

A. Mr. Bouldin.

248 8. Q. Are you able to say that he was trustee during all that time?

A. Yes, sir.

9. Q. Do you remember some trouble arising in the church last year, the summer of 1867?

A. Yes, sir.

10. Q. What was the origin of that trouble?

A. Brother Robinson's saying that he refused to commune with Alexander after turning out Sarah Ann Sheperson.

(Answer objected to by Mr. Wilson.)

11. Q. Why did he want Alexander turned out?

A. He said Sarah Ann Shepperson had been turned out because Alexander had had intercourse with her, and he thought Alexander ought also to be turned out.

(Answer objected to by Mr. Wilson.)

12. Q. Were they turned out?

A. She was.

13. Q. Was he?

A. No, sir; he was not turned out untill the whole party was turned out, that I know of. I did not attend every meeting there.

249 14. Q. Was there any trouble or complaint on the part of those who seceded, against your father, on account of money matters untill after the split?

A. I had not heard a word of it.

15. Q. Were you present when Dr. Washington was assaulted?
A. I was.
16. Q. Was he one of the trustees of the church at the time?
A. Yes, sir.
17. Q. Where was this fuss with Dr. Washington?
A. Up-stairs.
18. Q. What was going on up-stairs when Dr. Washington came into the room?
A. He went there to see if we could get together.
19. Q. Where did Dr. Washington come from when he came in?
A. I presume from the room below.
20. Q. What was said when Dr. Washington came into the room?
A. Brother Alexander said, "Take him out.' They all jumped on him and commenced beating him with sticks and with their fists.
21. Q. Did any of the committee on the part of the old church attack him?
250 A. No, sir.
22. Q. Were you present in the basement or vestry-room when there was a prayer meeting there, at the time Alexander and his party came down-stairs?
A. Yes, sir.
23. About how long was that before the seceding party finally left the church?
A. They left once or twice and came back again.
24. How long was this before they finally left?
A. I could not say.
25. Q. What were you all doing in the basement?
A. Trying to pray. He told us to get out—that he wanted to lock the church up. He said he was not going to have two parties worshiping in the church.
26. Q. Were you a trustee of that church?
A. Yes, sir.
27. Q. Are you still?
A. Yes, sir.
28. Q. When were you last elected?
A. Last of June, 1867, I believe.
29. Q. Were you present when you were elected?
A. Yes, sir.
30. Q. In whose place were you elected?
251 A. In nobody's place particularly. I was elected because all had gone.
31. Q. Was anybody else elected trustee when you were?
A. I believe Charles Pearson, Mr. Pearson, and Manson Robinson.
32. Q. There was no new election in the place of your father?
A. No, sir.
33. Q. Do you know how many members or attendants there were at the old church?
A. Six or seven hundred.
34. Q. About how many went off with the seceding party?
A. Forty-one were turned out of the church by a vote. Some went off with them.
35. Q. How many?
A. I do not know.
36. Q. Do you know where they first went to worship when they left there?

A. To 9th street. I do not know of any other place. I went up there on 9th street once last spring.

37. Q. Was it Sunday morning, afternoon, or evening?

A. Forenoon.

38. Q. How many people were in attendance?

252 A. Fifty or sixty.

39. Q. Who officiated?

A. I believe Brother Middleton spoke that Sunday.

40. Q. Is he a preacher?

A. Preacher or exhorter, one.

41. Q. Was there any regular preacher there?

A. Brother Jefferson was there too. I disremember whether he preached while I was there or not.

42. Q. Is Brother Jefferson an ordained preacher?

A. No, sir; I do not think he is.

Cross-examined by Mr. Wilson:

43. Q. Did you see anybody attack Dr. Washington?

A. I saw when the licks struck, but who struck him I could not say.

44. Q. Has Dr. Washington acted as trustee with you?

A. Yes, sir.

45. Q. When was the first time he acted as trustee with you?

A. From the time he was elected.

46. Q. Did he act as trustee after the attack upon him?

A. H ran off.

253 47. Q. Who was elected in his stead?

A. I disremember. I think there was one elected.

48. Q. How long after Dr. Washington left before another one was elected?

A. The next week.

49. Q. Were you present when the election took place?

A. Yes, sir; I believe I was when all of them were elected.

50. Q. Was his successor elected at a regular church meeting?

A. Yes, sir.

51. Q. Where was that held?

A. I think it was held at Mr. Bouldin's house, on Friday night.

52. Q. You say there was some six or seven hundred members of the Third Colored Baptist Church?

A. Yes, sir.

53. Q. How did those persons become members of the church? Was it by a vote of the church, or expressions of grace and admission to the church?

254 A. After they had told their experience they were elected by a vote of the church.

54. Q. Were there any other members of the church that you know of who were not received by the church at their church meeting?

A. No, sir.

55. Q. You say that the split was caused by Alexander being turned out. I will ask you whether Alexander was turned out before the split?

A. I do not know.

56. Q. Did you ever know of his having been turned out?

A. No, sir; only when he was turned out with the forty-one.

57. Q. Was not the split caused by a charge made against Mr. Boulding to the effect that he had refused to grant pardons to some that asked him.

A. No.

58. Q. Was not there charges preferred against him?

A. I had not heard a word of it. I did not hear any charges against him untill the parties split and went away.

his
JULIUS + BOULDIN.
mark.

Witness: JA'S O. CLEPHANE.

Sworn & subscribed to before me this 27 day of August, 1868.

JAMES O. CLEPHANE, *Examiner.*

255 *Deposition of Agnes Jackson for defendant.*

Examined by Terry, of counsel for defendant:

1. Q. Where do you reside?

A. Near Mr. Bouldin's church, on 4th street.

2. Q. About how old are you?

A. Sixty-eight.

3. Q. Are you a widow?

A. I am.

4. Q. Are you a member of Mr. Bouldin's, the 2nd Colored Baptist Church?

A. I am.

5. Q. When did you first unite with the church?

A. This coming October two years ago.

6. Q. Do you remember some difficulty in that church?

A. Nothing more than that I was there.

7. Q. Do you remember of there being a sort of split?

A. Yes, sir; I went away soon after it commenced. I went up-stairs with Alexander's party. Brother Bouldin and his party were down-stairs holding prayer meeting.

8. Q. Then what?

256 A. Then they all got up and came down-stairs, and said they were going to through him out. I left immediately, and do not know whether they put him out or not.

9. Q. About how many do you suppose seceded from the church?

A. I cannot tell you anything about that.

10. Q. Where did they go?

A. I do not know. You knew I went over to Virginia, and staid two months, and when I got back it was all over. It was said the seceding party was to worship on 9th street; but I could not tell you anything about it. I went back to the old place when I came from Virginia.

11. Q. Did you ever go where the seceding party went to worship?

A. Yes, sir; twice. I was advised by some members to go up there.

12. Q. That was before you went to Virginia?

A. Yes, sir.

13. Q. Who of the seceding party was it advised you to go up there?

A. It was a woman; I cannot think of her name.

257 14. Q. Were you present when Alexander and a woman named Shepperson were turned out?

A. No, sir.

15. Q. What was the origin of the difficulty in that church?

A. Indeed, I do not know. I had so lately entered the church that I did not know.

Cross-examined by Mr. Wilson, of counsel for compl't:

16. Q. Which party did you belong to after the split?
A. Bouldin's.

By Mr. Terry:

17. Did you not first go off with the split party, and then come back again?
A. Yes, sir.

By Mr. Wilson:

18. Q. When you went off with the splitting party, did you belong to that portion of the congregation?
A. No, sir; I did not belong to Jefferson's and Alexander's portion.

her
AGNES + JACKSON.
mark.

Witness: JA'S O. CLEPHANE.

Sworn & subscribed to before me this 27 day of August, 1868.
JA'S O. CLEPHANE, *Examiner.*

258 *Deposition of John H. Johnson for defendant.*

Examined by Terry, of counsel for defendant:

1. Q. Please go on and state what you know in regard to this case.
A. I think about a year ago last July Mr. Bouldin called on me for legal advice. (Testimony objected to by Mr. Wilson.) He stated that some person or persons had forced the church open and taken a couple of books. Warrants were issued for the apprehension of the parties that he named as being the ones who had forcibly entered the church. He also charged them with taking a couple of books. What the books related to I do not remember, but some church matters. He seemed to regret the loss of the books very much. He claimed them as private books. A warrant was issued for the parties for malicious mischief in breaking into the church, and then a search-warrant was issued for the books.

2. Q. Did the books look like these? (Holding up Exhibits G & K(d), J. O. C.)

259 A. Yes, sir; if I mistake not, they were recovered.

Cross-examination by Wilson, of counsel for compl't:

3. Q. Did you take any steps with regard to the issuance of these warrants?
A. I think I went over to police headquarters, and that they were there made out by Justice Walter.

4. Q. Were they warrants for stealing the books, or search-warrants?
A. I think the charge was stealing. Of course, a warrant issued on such a charge would be a search-warrant.

5. Q. Did you attend upon the examination?
A. I do not think I did.

6. Q. Were there two sets of warrants: one for stealing, and the other for the recovery of the books.
A. I do not recollect that.

7. Q. Do you know that the books were recovered upon those warrants?
A. I think they were, but I cannot say positively.

8. Q. Do you know what officer served them?

A. No, sir.

9. Q. Were the books shown to you immediately upon their recovery?

260 A. I think not. I think it was some considerable time after.

10. Q. Who showed them to you?

A. I saw them in Justice Walter's office.

11. Q. Do you know of your own knowledge that these warrants were issued?

A. Yes, sir; I filled them up, inserted all the names.

12. Q. Do you know of your own knowledge that there was any trial about it?

A. Not of my own knowledge.

13. Q. Do you know of your knowledge that the books were recovered upon these warrants?

A. No, sir.

14. Q. Do you know what was done with the defendants whose names were in the warrants that you filled up?

A. No, sir; not of my own knowledge.

JNO. H. JOHNSON.

Sworn & subscribed to before me this 27 day of August, 1868.

JA'S O. CLEPHANE, *Examiner.*

Adjourned to meet Friday, August, 28, 1868, at the criminal court-room, at 11 o'clock.

JA'S O. CLEPHANE, *Examiner.*

261 *Deposition of John Middleton for defendant.*

Examined by Terry, of counsel for defendant:

1. Q. You have been examined in chief in this case, have you not?

A. Yes, sir.

2. Q. Do you remember what you testified to on that examination?

A. Yes, sir.

3. Q. I believe you stated that you were a member and trustee of the Third Colored Baptist Church?

A. Yes, sir.

4. Q. Do you remember being asked where that congregation worshipped?

A. Yes, sir; and I answered at a school-house on 9th street.

5. Q. How large is the room where you worship?

A. I do not know; it will hold about 200 people.

6. Q. Does not the Third Colored Baptist Church still worship where they used to, at the corner of 4 & L streets?

A. Not in the understanding we have.

7. Q. How many constituted the old church before the split?

262 A. About 400, I should judge.

8. Q. Was not there over 700?

A. I could not tell you that.

9. Q. Were you one of the seceders who went off from the old church?

A. I was one who went off from there. I was driven away.

10. Q. Who drove you away?

A. Bouldin.

11. Q. State the process by which he did it.

A. I had heard that Mr. Bouldin had stated I was turned out of the the church. I went and asked Brother Bouldin if it was so. Bouldin

said: "You are all turned out." I did not understand the meaning of it at all.

12. Q. That is the way you were driven out?

A. Yes, sir.

13. Q. Were you not turned out by a vote of the church?

A. No, sir; if I was, I did not know it.

14. Q. You do not know whether there was a vote of the church or not?

A. No, sir; I do not know whether there was or not.

15. Q. Were you not told so by Mr. Bouldin when you spoke to him about it?

263 A. Mr. Bouldin says so.

16. Q. You swear to the bill in this case, do you not?

A. Yes, sir.

17. Q. Do you remember swearing in that bill that Mr. Bouldin had collected about $5,000 for the benefit of the Third Colored Baptist Church that he had not accounted for?

(Objected to by Mr. Wilson.)

A. I do not remember that; I did not swear to that.

18. Q. How much did you swear to?

A. I do not remember what I swore to in the bill. I did not swear to anything at all on that point.

19. Q. Do you know anything about how much money Mr. Bouldin collected?

A. I could not tell you exactly.

20. Q. Do you know that he collected a dollar?

A. Yes, sir; I know he did collect some. He went out, and begged $500, to my knowledge.

21. Q. How do you know?

A. Because he brought it and put it on the table, and appropriated it to the church.

22. Q. Is that all he collected, to your knowledge?

A. All that I have any recollection of at this time.

264 22. Q. What time was it that you left the corner of 4th & L, and went somewhere else?

A. I think it was better than a year—in June, I think.

24. Q. Where did you go when you left there?

A. To 9th street.

25. Q. Is that the first place to which you went?

A. Yes, sir.

26. Q. Were you there when they left?

A. I was there the first night they drew away. I was not there the last night. We did not go anywhere at all for about ten days.

27. Q. Didn't you, for several different days, meet on H street to worship before you went to 9th street?

A. No, sir; I did not go.

28. Q. Did they go from 9th street to H?

A. When I went from 9th street, I went to H street?

29. Q. Was Alexander on H street?

A. Yes, sir.

30. Q. Jefferson?

A. Yes, sir.

31. How many times did they meet at 9th before they went on to H street?

A. I could not tell you, sir.

265 32. Q. How many times did they meet on H street before they went back to 9th?

A. I think as many as four or five times.

33. Q. During all this time, while the seceding party were going back from 9th street to H street, and H to 9th street, was Bouldin holding service in the old church?

A. No, sir; he did not hold service all the time.

34. Q. Did he any of the time?

A. Yes, sir.

35. Q. Were you present at one time when Mr. Bouldin and some persons were worshipping there at a prayer meeting in the month of June, 1867?

(Objected to by Mr. Brown as irrelevant.)

A. Yes, sir.

36. Q. And when some of your party came down-stairs and told them they must leave the church?

A. I remember one Sunday we went there to worship, Mr. Bouldin was down below and we were up-stairs, and the congregation got into confusion.

37. Q. Didn't your party order them out of the house?

A. If they ordered them out, I did not know it.

266 38. Q. After they had gone out that day, were you present when your party locked up the house?

A. I was present when the door was locked up.

39. Q. Who took the key?

A. I think Brother Alexander took the key.

40. Q. When were you elected a trustee?

A. In 1865.

41. Q. You have never been elected since 1865?

A. No, sir; but I have been told that I continued right along.

42. Q. Were you at any time notified by Mr. Bouldin that you had been turned out as trustee?

A. I was.

43. Q. Was this about the time that you got notice that your party were turned out of the church?

A. Since.

Re-direct by Mr. Brown, of counsel for complainant:

44. Q. You still consider yourself trustee of the Third Colored Baptist Church?

A. Yes, sir.

45. Q. You say you do not remember the particular statement in the bill. If you could see the bill and have it read to you, you could

267 understand more accurately than you could from memory?

A. Yes, sir.

46. Q. What you have just stated in regard to that matter in reply to the gentleman's question was from your memory, in which you may be mistaken?

A. Yes, sir.

47. Q. In regard to the key, was it not delivered to the sexton of the church?

A. The key was delivered to the trustee, and by him to the sexton.

48. Q. Who was the sexton?

A. Connell.

49. Q. What do you mean when you say you were turned out of the church?

A. I mean turned out of the building, not out of the church?

50. Q. You have stated that you think you first went from the L

street church to 9th; I will ask you to think that matter over carefully and see whether you are not mistaken about it.

A. I say I went away with my family when the fuss arose, and
268 when I came back again, I, in the first place, went to 9th street, and from there to H street. That is my recollection of the matter at this time.

his
JOHN + MIDDLETON.
mark.

Witness: JA'S O. CLEPHAN.

Sworn & examined before me this 28 day of August, 1868.
JAMES O. CLEPHANE, *Examiner.*

Adjourned to meet on Monday, August 31, 1868, at criminal court-room, at 11 o'clock.

JA'S O. CLEPHANE, *Examiner.*

AUGUST 31ST.—Met pursuant to adjournment. Present, Mr. Brown, of counsel for complainant, and Mr. Terry, of counsel for defendant. Adjourned in consequence of the indisposition of an important witness, William B. Jefferson, whom counsel for the defendant stated they wanted to examine without proceeding further. Adjourned to meet at the criminal court-room, city hall, on Tuesday, Sept. 1st, 1868, at 11 o'clock.

JAMES O. CLEPHANE, *Examiner.*

269 SEPT. 1ST.—Met pursuant to adjournment. Present, counsel for complainant and defendant. Witness W'm B. Jefferson, still being confined to his room by indisposition, adjourned to meet at the criminal court-room, city hall, on Wednesday, Sept. 2nd, 1868, at 11 o'clock.

JA'S O. CLEPHANE, *Examiner.*

SEPT. 2ND.—Met pursuant to adjournment. Present, counsel for complainant and defendant. Owing to the continued indisposition of the witness, William B. Jefferson, adjourned to meet at the criminal court-room, on Friday, Sept. 4th, 1868, at 11 o'clock.

JA'S O. CLEPHANE, *Examiner.*

SEPT. 4TH.—Met pursuant to adjournment. Present, counsel for complainant and defendant. The witness Jefferson being still unable to leave his room, adjourned to meet at criminal court-room, at city hall, on Monday, Sept. 7th, 1868, at 10 o'clock.

JAMES O. CLEPHANE, *Examiner.*

270 SEPT. 7TH.—Met pursuant to adjournment. Present, counsel for complainant and defendant. The witness being still unable to leave his room, and in too feeble a condition to admit of an examination there, the commission adjourned to meet on Thursday, Sept. 10, 1868, at criminal court-room, at 11 o'clock.

JA'S O. CLEPHANE, *Examiner.*

1868, SEPTEMBER 10TH.—Met pursuant to adjournment. Present, Messrs. Brown and Wilson, counsel for complainant, and Mr. Terry, of counsel for defendant. The examination of witnesses was proceeded with as follows:

271 Witness ESSEX ROBERTS recalled by Mr. Terry, for defendant.

By Mr. Terry:

1. Q. Have you seen this book marked Exhibit E(d), J. O. C.?

A. I have seen it once before.

2. Q. Did you see it while it was in Mr. Bouldin's possession, during the month of June, 1867?

A. This is one of the books that was loaned, not given, to the council, in order to satisfy that body that we were trying to do what was right. I saw the book when it was presented to the committee who had the matter in charge. Bro. Bouldin told the council from the first that he did not acknowledge them as such, but he was willing to let them have the books in order that they might see that all was right. The committee took the books given them by Mr. Bouldin, carried them down into the basement, and, after examination, reported all was right.

3. Q. Do you remember carrying the books down to Mr. Barnesclass?

A. No, sir. I know I went there. This book might have been present. I did not carry it.

272 4. Q. You saw it there. Were the proceedings in the book from June 7th up to the 20th of June in the handwriting of Mr. Bouldin?

A. I was not capable of keeping any books at all. I do not know how that was kept.

5. Q. Who did the writing for the church from June 7th along towards the latter part of June?

A. I could not say exactly, but during the time I have been with the church Brother Bouldin has been the regular man in the church. The others have not been regular. Lee was absent more than half the time at the restaurant, and he stated that he was unable to get off.

6. Q. During this month of June, did Mr. Bouldin copy the writing on that book—write it himself—as a general thing?

A. He did the writing on the book untill they took it away from him, and that is all I know.

Cross-examination by Mr. Wilson, of counsel for complainant:

7. Q. Did you read any of the writing in that book before the fuss broke out?

A. No, sir. At that time I could hardly read print.

8. Q. Did you ever see Mr. Bouldin writing in that book?

273 A. Hundreds of times.

9. Q. Did you know that he was writing in that book, or on slips of paper?

A. He was writing in that book.

10. Q. When was it you first saw him writing in that book?

A. It was before the fuss broke out. They took it away from him soon after that.

11. Q. You say for six months or a year he was in the habit principally of keeping the church records in that book?

A. Yes, sir; off and on.

12. Q. When Lee was present?

A. No, sir; Lee usually wrote when he was present.

13. Q. Was Lee very regular in his duty of attendance at the church meetings?

A. He was very slack.

14. Q. How often was he at the church meetings, on an average?

A. About once a week.

15. Q. I speak now of the church meetings. I do not mean the meetings for worship.

A. I did not often attend the church meetings. The elder
274 members always held the church meetings, and did all the business. I was simply a little youngster, and did not take any interest in them.

16. Q. Did you know, of your own personal knowledge, that any of the writing in that book, during the month that the fuss was kept up, was done by Mr. Bouldin?

A. I do not know whether it was all the time, but it was part of the time.

17. [Q.] Was this council that got the books composed of ministers of the Baptist church in that neighborhood?

A. Yes, sir. One was Parker, and he was the one that took possession of the books. Lee received the books out of the hands of Parker.

18. Q. Where was it he received them?

A. In the Third Baptist Church, in the presence of the council. I do not mean all the books. I mean this one and some others. There were two other books, that I did not know anything about, that Brother Bouldin always said were stolen.

19. Q. Who was moderator of that council?

A. Mr. Anderson.

275 20 Q. Who was Parker?

A. He held some position there.

Re-direct by Mr. Terry:

21. Q. Were these books taken from Mr. Bouldin by force?

A. Yes, sir.

By Mr. Wilson:

22. Q. Were not these books taken down into the vestry?

A. They were.

23. Q. Did not Mr. Bouldin go down with the committee?

A. I do not remember whether he did or not.

24. Q. Were not the books taken down with the committee?

A. Yes, sir.

25. Q. Did not Mr. Bouldin remain at the meeting untill after the committee made the report on the subject?

A. Yes, sir.

ESSEX ROBERTS.

Sworn & subscribed to before me this 10 day of September, 1868.

JA'S O. CLEPHANE, *Examiner.*

276 Witness EDWARD DICKSON recalled by Mr. Terry, of counsel for defendant:

1. Q. Have you seen this book, marked Exhibit E, in the possession of Mr. Bouldin?

A. Yes, sir.

2. Q. Did you see him writing in it, apparently keeping the church records?

A. Yes, sir.

Cross-examination by Mr. Wilson, of counsel for complainant:

3. Q. Where did he do this writing?

A. In the church.

4. Q. Did you see him do it?
A. Yes, sir.
5. Q. What book did he do it in?
A. He did it in that book. (Referring to Ex. E(d), J. O. C.)
6. Q. How do you know?
A. At that time there were a great many leaves on which there was no writing. I frequently got hold of the book, and looked into it, though it is true I could not read.
7. Q. Was there writing on those blank leaves?

A. No, sir. There was no writing on those leaves when the
277 book was taken from him.

8. Q. Can you tell the difference between Lee's handwriting and Bouldin's.
A. No, sir.
9. Q. How do you know this book?
A. It was the same book that was taken away, and this is that book, as acknowledged by us all.
10. Q. State whether you were present at the time the locksmith came there and picked the locks.
(Mr. Terry objects to the question on the ground that the witness has before been examined in regard to the matter about which it is now proposed to question him.)
A. I was not at the church at the time he did it; I got there afterwards.
11. Q. Did you not get there before he opened the inside doors?
A. When I went in there the doors were open.
12. Q. Who received the keys from the locksmith?
A. I do not know.
13. Q. What was done with the locks?
A. Manson Robinson, the trustee, carried them to his house.
14. Q. Did you touch the locks?
A. No, sir.

15. Q. Do you know what he did with them afterwards?
278 A. I believe some of them are there now.

16. Q. How did you happen to go to the church at that time?
A. I happened to be along there, and seeing them at the church door opening the church, I went over.
17. Q. Did you not know that the locks were going to be picked and the doors opened?
A. No, sir.
18. Q. Did not you know there was going to be an attempt made at that time to get into the church on behalf of the party to which Mr. Bouldin belonged?
A. No, sir.

his
EDWARD + DICKSON.
mark.

Witness: JA'S O. CLEPHANE.

Sworn and subscribed to this 10 day of September, 1868, before me.
JA'S O. CLEPHANE, *Examiner.*

279 Witness ALBERT BOULDIN recalled by the defence:

Examined by Terry, the counsel for defendant:

1. Q. Take the book marked Exhibit E, ("Ex. E(d), J. O. C.,") and tell us if it was out of your possession at any time during the year 1867?

A. Yes, sir.

2. Q. From what time to what time?

A. It was out of my possession from the 20th or 25th of June, 1867, untill it came into court here—a period of some seven or eight months.

3. Q. When did you come in possession of the book?

A. At the regular church meeting, June 7, '67. I received it from a man by the name of Duff.

4. Q. Was he a member of the church or congregation?

A. Yes, sir.

5. Q. How came he by it?

A. He went to Lee's house after it. That was before Lee had seceded.

6. Q. What was the purpose of his getting it on that occasion; was it to use it at the church meeting?

A. Yes, sir; Lee being absent from the church meeting, he sent to the house and got the book.

7. Q. From the 7th of June to the 20th or 25th of June, '67, it was in your possession?

280 A. Yes, sir.

8. Q. How did it get out of your possession?

A. They called a counsel of colored bretheren; gave this council all the books. They appointed a committee, who went into the vestry and examined them. Duff came back, after looking at the books, and reported, "They are all right." The books were afterward given over to the excluded party.

9. Q. Who did you mean by the excluded party?

A. I meant those who seceded from the church.

10. Q. Who has had them in possession since?

A. Lee and Jefferson.

11. Q. Whose handwriting is generally in that book, after the date when it was taken away from you?

A. Mostly Lee's; some of Jefferson's.

12. Q. While it was gone out of your possession, was the book altered in any way?

A. Yes, sir; there were leaves cut out—all the writing I did from the 7th up to the 20th.

13. Q. When you were examined before in this case, you introduced a paper which contained the proceedings that had been cut out of the books, which paper is marked "Exhibit D(d), J. O. C."

281 A. Yes, sir.

14. Q. Are you able to say whether other leaves have been cut out of the book marked Exhibit E, after it was taken out of your possession, other than those between the dates of the 7th and 25th of June?

A. Yes, sir; every year we had a regular meeting to show the debts that had been paid that year, and the incidental expenses from the first. We commenced in '68, ['58] and the leaves containing such proceedings are cut out.

15. Q. Are all the leaves of each year cut out that contained a statement of the true condition of finances?

(Question objected to by Mr. Wilson.)

A. You see every year we have a settlement, stating who has been paid, and how much received in that year, beginning at '58 and going clear down to '67.

16. Q. You say that the leaves for each year showing the state of affairs were cut out?

A. Yes, sir.

17. Q. Were these in when the book left your possession in the latter part of June?

A. Yes, sir; in my own handwriting.

18. Q. Do you find any other alteration in that book?

282 A. Yes, sir; I see that Lee has written in this book in '63, when he was not a member of the church. He became a member in '65.

19. Q. Is there anything else besides the cutting that has been done with the leaves of this book?

A. He has marked out some that was in my handwriting.

20. Q. About what date is that?

A. September 10th, '65.

21. Q. Whilst he was the church clerk he was absent a great deal, and you officiated for him?

A. Yes, sir.

22. Q. State if these erasures in this book, commencing from the date of September 10th, '65, were made by you.

A. No, sir.

23. Q. Was it blotted out after the book was taken from your possession?

A. Yes, sir.

24. Q. Is there alterations of the leaves of this book besides blotting and cutting out?

A. There are two leaves pasted together.

25. Q. Were these two leaves between May 12th and June 17th?

A. Yes, sir.

26. [Q.] Were the proceedings of your church entered regularly

283 on these pasted leaves?

A. Yes, sir.

27. Q. Who entered them?

A. I did.

28. Q. You were then acting as clerk?

A. Yes, sir.

(Mr. Wilson objects to the testimony just given for the reason that the witness has already been examined on the points about which he has been questioned.)

29. Q. Was there any election recorded between where these leaves were pasted together?

A. Yes, sir; the election of the new trustees, and of the proceedings of that church meeting.

Cross-examination by Mr. Wilson, counsel for plaintiff.

30. Q. Who did you get this church record (Ex. C) from on the 7th of June?

A. From Duff; Duff got it from Lee.

31. Q. How long had Lee had it before that?

A. About a month.

32. Q. Who had it before that?

A. I had; and it staid in the church.

33. Q. How did it come to be in his possession at all?

A. He took it home to put something in it.

284 34. Q. By what right or authority?

A. He was the assistant clerk.

35. Q. You were the regular clerk?

A. From the first to the last.

36. [Q.] How did you come to be clerk?

A. I was made clerk by the church in '58; you will find it on the record; by the vote of the church I was made clerk and everything else.

37. Q. That was at the commencement of the church; were you ever elected as clerk after that?

A. No, sir; I always kept on; there was nobody regular but me.

38. Q. You say that, after the book was delivered into your possession by Duff, you kept it then from the 20th to the 25th of June, and then you gave it to whom?

A. I did not give it to anybody; George Parker took it away from me by force.

39. Q. What business does he follow?

A. He is a preacher.

40. Q. Of what church?

A. I do not know.

41. Q. Is it a Baptist church?

A. Yes, sir.

285 42. Q. Where were you when he took it away?

A. In our church.

43. Q. On what occasion was it?

A. When the council was called.

44. Q. Who were there?

A. Rev. Mr. Anderson and Walker, L. B. Wright, Sandy Alexander, and Sam. Madden.

48. Q. How many of those who were there were preachers?

A. About what I have stated.

46. Q. Were there not some others present whose names you do not remember?

A. No, sir.

47. Q. This council was held where?

A. In our church.

48. Q. Were you there at that time?

A. Yes, sir.

49. Q. Who was the president of that council?

A. Mr. Anderson.

50. Q. Who was the clerk of that council?

A. I disremember who.

51. Q. What position did Parker occupy? Was not he the clerk?

A. He might have been; I disremember.

286 52. Q. Were you present at that time?

A. Yes, sir.

53. Q. Were any of the rest who belonged to your own side of the church present?

A. Yes, sir.

54. Q. Did you meet with them up at the Second Baptist Church?

A. No, sir.

55. Q. They met there first, and then adjourned and came down to your church?

A. Yes, sir?

56. Q. Was it by your invitations?

A. It was not by my invitation.

57. Q. Were you along to open the church at that time?

A. No, sir; I could not, because the church had taken a vote that they would not have the building opened.

58. Q. How did they get into the church?

A. They were permitted to come into the church in order to see if matters could not be settled, and to look at the books. I got them a portion of the books, and they appointed a committee to examine the books, with the result I have stated.

287 59. Q. Who examined the books?

A. Parker, Alexander, Madden, and somebody else who I can-

not remember. They went down intoo the vestry and examined the books, and reported that all was right; that the church owed Brother Bouldin so much money.

60. Q. How much?

A. I disremember at this time. This (400) four-hundred-dollar note, and five one-hundred-dollar notes, and one note of one hundred and twenty dollars, with some credit on these notes.

61. Q. How much credit did the council say should be put on the back of these notes, of which you have spoken?

Q. (By Mr. Terry.) You had endorsed them yourself?

A. Yes, sir.

62. Q. Was there anything else besides the credits which are endorsed on these notes that the council found was to be paid?

A. No, sir.

63. Q. Did they go into a settlement of the matters that were in difference between you at that time?

288 A. They looked over the books and papers and stated the amount. Anderson says: "It is all right; you owe Brother Bouldin so much money." He further told them to give me my books.

65. Q. (By Mr. Terry.) But they did not do it?

A. No, sir.

66. Q. When was this?

A. At that council, when they came up. Says I, "This is my own personal property."

67. Q. What book did you speak of as being your own personal property?

A. Book marked Exhibit E.

68. Q. Did Mr. Anderson say give that book back to you?

A. He said give me all my books back.

69. Q. Were not there two books that were given back to you there, as being your own personal property?

A. No, sir.

70. Q. Were not two books returned to you that were delivered up by you at that time, as being your own personal property?

A. Yes, sir. Jefferson brought them back a day or two afterwards.

289 71. Q. And the balance of them were kept as church books?

A. Yes, sir; besides the two that he stole.

12. Q. What do you mean by that?

A. The books that I gave to the council which were laid on the table and the two books that I hid whilst they were at the Second Baptist Church.

73. Q. What books were those?

A. Those were my own private books.

74. Q. Did they get those two books?

A. I suppose they did.

75. Q. Were not those two books returned to you by Jefferson two or three days afterwards?

A. No, sir.

76. Q. Where did you hide them?

A. I hid them in the Third Baptist Church whilst the council was at the Second Baptist Church.

77. Q. Did you bring them out and give them to the council when they were at the Third Baptist Church?

A. No, sir; I never saw them untill he was here and brought them.

290 78. Q. Where are those two books now?

A. They are now in the possession of the examiner.

79. Q. They are two of the eight or ten books that have been filed here in court as part of the church records, marked Exhibit F and G?

A. Yes, sir.

80. Q. Have you identified theme heretofore when you have been testifying in this suit?

A. Yes, sir.

81. Q. Do you remember how they are marked? Are these the ones, F and G?

A. Those are the same two books that I did not give the council.

82. Q. Then those two books that Jefferson brought you are not on file here?

A. One is at home, and the other is here.

83. Q. What one is it that is here?

A. It is one of those sheepskin books with a broad back.

ALBERT BOULDIN.

Sworn & subscribed to before me this 10th day of September, 1868.

JA'S O. CLEPHANE.

291 The cross-examination of Mr. Bouldin was here suspended to afford an opportunity of securing certain books about which counsel desired to examine him. The commission then adjourned till Saturday, Sept. 12th, 1868, to meet at the criminal court-room, city hall, 4½ street, at 3 o'clock p. m.

JA'S O. CLEPHANE, *Examiner.*

1868, SEPT. 12TH.—Met pursuant to adjournment. Present, Mr. Wilson, of counsel for complainant, and Mr. Terry, of counsel for defendants. The examination of witnesses was proceded with as follows:

The cross-examination of witness ALBERT BOULDIN resumed by Mr. Terry, of counsel for defendant:

84. Q. Of those present who seceded, how many members have paid anything towards the building of that church, or paying for the lot, anything beyond the ordinary current church expenses.

A. I do not think, to the best of my recollections, more than ten ever paid anything.

85. Q. How much altogether did they ever pay?

292 A. I cannot tell that; one had been there for years, and, to the best of my knowledge, never had paid more than ten dollars the whole time. A great many were poor.

86. Q. Did any of them loan you money for which they sued and recovered back?

A. None, but Winters; I borrowed fifty dollars from him with which to plaster the church, and he sued me and recovered it back.

87. Q. But how much did they all pay?

A. I cannot tell that; the books will show just what was paid at the church meetings.

Cross-examination resumed by Mr. Wilson:

88. Q. Who kept these books that you speak of?

A. I kept a part, and Alexander a part, and Lee a part.

89. Q. What was the name of the official who kept this money-book of which you speak?

A. It was my business to do so; I was vestryman, trustee, and clerk. Lee was assistant clerk also.

90. Q. I will ask, at the time you were all three keeping this book, whether any one of you was the treasurer of the church.

292½ A. Winters was the treasurer at one time; Brother Alexander at another; & Middleton & Julius Bouldin and Miner at another.

91. Q. Was Alexander, at this time, keeping these books?

A. No, sir.

92. Q. What books were they that you refer to when you say the books will show the amounts of collections?

A. It is the collection book, marked Ex. "H" & "I" (d), J. O. C.

93. Q. You said in your cross-examination on last Thursday that there were two books hid under the Bible, which you did not give to the council. Are these two books Exhibits F and G?

A. Exhibit G is, but not Exhibit F.

94. Q. Is that the other book, handing witness Exhibit K(d), J. O. C.?

A. This E X G is the other one. They are the two books which were stolen from me. They had no writing on the outside of the covers when they were taken.

95. Q. You say that there were two other books taken from you at the same time, which was a few days afterwards returned to you by Mr. Jefferson?

293 A. Yes, sir.

96. Q. When were they taken?

A. I showed them to the council, and they council took them away.

97. Q. Where are those two books?

A. I have them.

98. Q. These two books, marked Exhibits G and H (d), J. O. C., are the two that you hid, and which you say were stolen, and upon which you based the evidence before the arrest of Lee for the theft?

A. Yes, sir.

99. Q. The balance of the books, then, are church books, except these two, which are your private property?

A. They are all my books.

100. Q. Look at Exhibit D(d), J. O. C., and say whose writing that is.

A. Mr. Clark's. He was the man that was building there at the time the fuss was going on. I got him to draw off these proceedings from the book, in order to lay them before the consil. He wrote a better hand than I did.

101. Q. Is that the only record that you have or can obtain of
294 the proceedings of the church meetings during the time that it purports to cover?

A. Yes, sir; that is all the business from the 7th up to the 17th of June, '67. It was in my handwriting on the book, and they cut the leaves out since they have had it.

102. Q. Were you present when Mr. Clark drew this off?

A. Yes, sir; I took the book down to his house for the purpose.

103. Q. In what book was the statement of expenditures made on behalf of the church?

A. At the expiration of the war it was in the church ledger, but they cut that out and commenced from '58 ['68]. Every year we have a statement, and know how much we have paid.

104. Q. Have you any statement of these expenditures in any of the books that are on file here now?

A. No, sir; I have some small sketches at home—not a full statement.

105. Q. But one of those books contains an account of the penny collections that have been taken up?

A. I cannot tell.

106. Q. What I want to know is whether one of those books on
295 file here does not contain a full account of the amounts collected and received, and whether it does not also contain and account of the expenditures on behalf of the church?

A. Yes, sir; part of them show the incidental expenses.

107. Q. It then showed all the incidental expenses?

A. Yes, sir; I think all.

108. Q. And all the collections?

A. Yes, sir; the regular collection book shows those.

109. Q. Tell me why it was the first council met in the Second Baptist Church instead of the Third Baptist Church.

A. Because the church had turned them out. By the regular rule of the church, 17th, 18th, 20th verses of the discipline of the church, we did not intend they should come back in any way but by repentance.

110. Q. And is that the position you occupy at the present time?

A. Yes, sir.

111. Q. Was that in accordance with the action of the church?

A. Yes, sir; I cannot do anything alone. They have got to come back by repentance. The church refused to hear them, took a
296 vote, and resolved that they would not open the door to those excluded members, nor of the council. Finally, we concluded to let them in over the head of the church.

112. Q. Who took these books away from you at the time of this council?

A. Parker.

113. Q. Lee did not do it?

A. No, sir.

114. Q. Who did you have arrested for the larceny of these books?

A. Lee.

115. Q. If Parker took them away from you, why did you have Lee arrested on the charge of stealing them?

A. I did not have Lee arrested for taking the books that I showed to the council, because I knew that they took them away. These two books I did not know what had become of them. I knew I had hid them. In a day or two I sent my wife for them, but she could not find them. Then I wrote to Lee, sending the letter by Julius Bouldin. He would not send them. Meeting him on the corner, I think the
297 first day of July, I said to him, "Lee where are my books?" He says, "I have got them; I have got all the books, and I won't give them up, because Parker gave them to me." Say I, "Lee, those two books are my own personal property; they have all my receipts in them, and if I do not get them they can make me pay over again, which will ruin me." He still refused to give them up. I had him arrested in order to get back the two books.

116. Q. Then it was only these two, G and K (d), J. O. C., that you had him arrested for?

A. That is all.

117. Q. In Exhibit D, on the second page, I find the following words: "Motion made to turn out all , and refused at three notices, and worshipped at some other church. Turned them out, in accordance with the church rules, by the vote of the peachable members of the church. Turned out (41) forty-one." I want to to whom and by whom these notices were given.

A. At the regular church meeting.

118. Q. Were not these notices given after the 7th of June that you speak of?

298 A. The first notices were given in church meeting of June 7th to meet Monday night.

119. Q. When was the next?

A. Tenth, eleventh, thirteenth, and seventeenth.

120. Q. Were any of these (41) forty-one excluded members present at the time these notices were given?

A. Yes, sir; some of them were there every time.

121. Q. Name one.

A. I cannot mention names; I know some of them were there; Frank Shamber and John Middleton were there on the tenth; those are all that I can now remember.

122. Q. Were those three part of the excluded members?

A. They were among those who were to be excluded.

123. Q. Can you swear positively that that erasure made next after September 17th was made since the division?

A. Yes, sir; it was not in it when I gave the book up.

124. Q. Have you any idea of what was contained under that erasure?

A. I have not.

125. Q. Can you show me in that book the place where any leaves have been cut out except under date of June 7th.

299 A. Yes, sir; here is a place after June 15th, 1864, a page has been cut out.

126. Q. What was on that leaf that was cut out?

A. All sums that were paid on the church every year.

127. Q. When did it commence?

A. In '58.

128. Q. When did it end on that page?

A. In '67.

ALBERT BOULDIN.

Sworn & subscribed to before me this 12th day of September, 1868.

Mr. Terry, on the part of the defendant, proposes to put in the following paper marked Exhibit L(d), J. O. C., to which Mr. Wilson objects.

Adjourned to meet Thursday, September 17th, at three o'clock, at the office of Mr. Wilson, No. 2 4½ street.

300 *Deposition of Rev. Chancey Leonard for the complainants.*

By Mr. Terry:

128. Q. What is your business?

A. Clergyman; Baptist denomination.

129. Q. State where.

A. In Washington; at the present time pastor of the Second Baptist Church.

130. Q. Were you present in 1864 when there was a settlement of financial affairs between Mr. Bouldin and the church?

A. I was present at Mr. Bouldin's house.

131. Q. When there was a church meeting?

A. I cannot say it was a church meeting; there was one white gentleman, a member of our conference, whose name I do not now remember, myself, and one or two members of his church.

132. Q. What was the result of that meeting?

A. I do not know whether I can now positively state the result of that settlement. The examination took up a great part of the day. We examined all the books, papers, receipts, and everything that we could

get hold of. I think, as far as my memory serves me, that we
301 found there was due to Mr. Bouldin certain sums of money from the church, for money which he had paid out in behalf of the church, which he said was his own individual property. The amounts I am not able to state; it has been so long ago, I have forgotten.

Cross-examination by Mr. Brown, of counsel for complainant:

133. Q. At the time when this examination was made, did you not advise Mr. Bouldin not to pay any more money until these claims were settled by the church?

A. Mr. Post and myself, after concluding the examination, remarked, "Mr. Bouldin, you had better give the church a deed of the entire property, taking a deed of trust on the same, and notes payable semi-annually with interest, which will both secure you and the church, and then there will be no further trouble." As far as the telling him not to pay anything, I cannot say whether I did or not; I have no recollection of saying that.

CHANCEY LEONARD.

Sworn & subscribed to before me this 12th day of Sept., 1868.
JA'S O. CLEPHANE, *Examiner.*

302 *Deposition of Henry Bailey for complainant.*

Examined by Mr. Terry:

1. Q. Were you a member of the Third Colored Baptist Church?
A. I was.
2. Q. When did you become a member of it?
A. In '62.
3. Q. How long did you continue a member of it?
A. I think I continued until the last of '62 I think. I was withdrawn from there in the fall.
4. Q. Where you a member in '62? Where you present at a church meeting when Mr. Bouldin, one of the defendants, was there?
A. Yes, sir.
5. Q. Please tell us what was done at that meeting in relation to the building of a house of worship.
A. So far as I recollect, it was decided to have the old house sold, and the money taken to pay off the debts, and the balance to enter into the building of a new house. Mr. Bouldin was to build the new house.
6. Q. Was there anything said to you as to whether he was to be paid for his labor?
303 A. He was to be paid a dollar a day and his expenses for every day lost from his business to attend to that building?
7. Q. Did he take charge and commence the building?
A. I qualify to that because it was entirely against my desire. I was overruled by the majority. I wanted them to wait until they had sufficient means to justify the undertaking of it.
8. Q. I will ask you how many were present at that time, when Mr. Bouldin was employed to go on with the building of the church?
A. I could not tell; very few.
9. Q. Upon whom was the responsibility and labor principally of the building of the church?
A. Mr. Bouldin.
10. Q. Did you know whether the lumber was bought by Mr. Bouldin by that time?

A. There was some old church lumber bought by Mr. Bouldin. There was a mortgage on the old house, and the old house was to be sold and the money got for it was to be applied to the payment of that mortgage.

All the money left, I think, was about ($80 00) eighty dollars,
304 and that is all the money they had to start with. The house, of course, had to be built pretty much on Mr. Bouldin's responsibility.

11. Q. The church organization was then very small, I suppose?

A. Very small.

Cross-examination by Mr. Brown, of counsel for complainant:

12. Q. Do you know anything about how the money was raised?

A. I do not know how the larger portion was raised; I know how a part was raised. I went through the city and begged a little myself; I have no idea how much.

13. Q. Was it ($100) one hundred, or ($1,000) one thousand dollars?

A. I cannot tell you.

14. Q. Was it ($5 00) five dollars?

A. I cannot tell.

15. Q. Was it (50) fifty cents?

A. It might have been more and it might have been less; I would not like to say just now. There was a sister who joined the church about the same time who went about begging. I cannot tell how much she begged. Rev. Mr. Bouldin went to a great many places. I
305 understand he went to Philadelphia and other places.

16. Q. During the time you were there, were there any collections taken up by the church?

A. Yes, sir.

17. Q. Did you know of the other members contributing any?

A. Some; sometimes we would take up (75c.) seventy-five cents, sometimes (50c.) fifty cents, and sometimes a dollar.

18. Q. When did they commence to build the church?

A. I think it was in 1863.

19. Q. What kind of an arrangement was this by which Mr. Bouldin was to receive a dollar a day; was it done in a Baptist church meeting?

A. Yes, sir.

20. Q. Who made the motion?

A. I do not recollect.

21. Q. Was the arrangement made and approved at that church meeting?

A. It was. It strikes me that when they were talking about how much he should have, I suggested a dollar a day as a fair sum, and his expenses.

Re-direct by Mr. Terry:

306 22. Q. State whether Mr. Meredith, Mr. Bouldin, and some eight other members of the church did not agree to start the new church, and did not state what could be raised towards the building of the new church.

A. Yes, sir.

23. Q. State whether Mrs. Bouldin, wife of the pastor, didn't hold frequent fairs and festivals at her house for the purpose of raising money for the building of the church.

A. She did in the church. I think at one time she raised as much as ($30 000) thirty dollars.

By Mr. Wilson:

24. Q. These parties were pretty energetic in their collections of money, were they not?

A. They were energetic at first.

25. Q. Did not the members of the church attend these festivals and fairs?

A. Yes, sir; as much as they were able to.

26. Q. You do not know anything about how much they raised?

A. No, sir.

REV. HENRY BAILEY.

307 Sworn and subscribed to before this 12th day of September, 1868.

J. O. CLEPHANE, *Examiner.*

Adjourned to meet at the office of Mr. Thomas Wilson, No. 2 4½ street, on Thursday, Sept. 17th, 1868.

JA'S O. CLEPHANE, *Examiner.*

Witness WILLIAM B. JEFFERSON recalled by defendants:

Examined by Mr. Terry, of counsel for defendants:

1. Q. You have testified that you were a member of the Third Colored Baptist Church, and worshipped at the corner of 4th & L streets.

A. Yes, sir.

2. Q. When did you become a member of that church?

A. I think it was in 1862. It was before they got in their present house on the corner of 4th & L streets.

3. Q. About how many members of the church were there when you joined?

A. I, and those who joined at the time I did, made ninety-eight. There were two who joined at the same time I did.

4. Q. Are you a minister of the gospel?

308 A. Am said to be so.

5. Q. Have you ever been ordained?

A. No, sir.

6. Q. I may assume then that you have received a license to preach?

A. I have. I received it from the Third Baptist Church. I cannot tell how long ago it was.

7. Q. Were you one of the parties who left Mr. Bouldin's church?

A. I never have left them yet. I was not with the party who went off.

8. Q. Did you join them afterwards?

A. Afterwards I went with them.

9. Q. Then you were of the seceding party?

A. The word secede has got me; I do not understand that. I do not consider that they seceded.

10. Q. Where did the party that went off from the church go to worship?

A. On 9th street, I judge.

11. Q. Do you know of their worshipping at Ridgway Barracks, as it is called?

A. I never was there as I know of.

12. Q. When did this party first go to 9th street?

309 A. I think it was some time in June, 1867—the middle part.

13. Q. Were you with them at the first meeting on 9th street?

A. No, sir; I suppose they were worshipping there for over a week before I went to them.

14. Q. Where did you worship during the week or two?

A. I had a little branch meeting over at Kendall Green, and I attended there. I had been going over there for two or three months before the difficulty in the church. I was not in the difficulty at all.

15. Q. Did these people who went to 9th street send for you?

A. Yes, sir. I was sent for to come over there one Sunday night; they were at meeting when I got there.

16. Q. From that time on did you attend there?

A. I went over there and sat till the meeting closed. I did not go to the next meeting; I went to Kendall Green. They then broke from 9th street, and went back, I believe, to the old church, corner of 4th & L. The next thing I heard they were in possession of the house.

17. Q. How did they get possession of the old church?

A. I could not tell you; I was not there.

310 18. Q. How long did they occupy the old church?

A. I presume some two or three weeks.

19. Q. Did you preach to them while they were there?

A. Yes, sir, once. They went from there to Miller's hall, on H street, between 6 & 7 streets.

20. Q. How long did they stay there?

A. One month.

21. Q. Did you preach to them there?

A. I did.

22. Q. Where did they go to from there?

A. To 9th street back to the old school-house, and have continued there ever since.

23. Q. Have you been south the past season?

A. Yes, sir.

24. Q. Did you go to Georgia for the purpose of being ordained?

A. No, sir; I made no effort to be ordained anywhere while I was away.

25. Q. Were you among the number who were turned out of the old church organization?

A. No, sir.

26. Q. Did you ever receive notice that you were turned out?

311 A. No, sir; did not hear there were forty-one turned out at one time, but heard there was a large number. Bouldin told me one day on the Avenue that he had turned a number who had rebelled against the church. I was not amongst that number.

27. Q. Did not Mr. Bouldin say, "We have turned out so many?"

A. I do not recollect his using the word "we," but I recollect his stating that there were so many turned out. This might have been told me by Mr. Bouldin in the month of June. I do not know. He did not mention the names of any persons turned out.

28. Q. Did he at that time endeavor to persuade you to come back?

A. Yes sir. He asked me to come back to the church that night, but I did not go. I do not think that I had up to that time preached to the party who went away.

29. Q. Before the split, had you preached in the old church corner of 4th & L.

A. Oh, yes, sir.

312 30. Q. Didn't some of the members refuse to hear you preach?

A. I do not know.

31. Q. Do you recognize this book Ex. E(d), J. O. C.?

A. Yes, sir.

32. Q. Has it ever before been in you possession?

A. No, sir.

33. Q. Did you ever write in it?

A. I did at one time, but I have not done so within the last three or four years.

34. Q. At the time you did write in it, was it not in your possession?

A. It was.

35. Q. How came it into your possession?

A. I was then clerk of the church.

36. Q. Look at that date, June 18, 1867, and tell me whose handwriting it is?

A. I do not know. It is not mine.

37. Q. You know your own handwriting when you see it?

A. Yes, sir; sometimes I do.

38. Q. Then you can't always tell your own handwriting?

A. Not always. Sometimes when I write I may write in a way that I at many times do not remember.

313 39. Q. May not this entry, under date of June 18th, be in your handwriting?

A. I do not know anything about it.

40. Q. How came you by the book at that date, June 18th?

A. I did not have the book.

41. Q. Who had it at that time?

A. I do not know.

42. Q. Won't you turn back in that book to some of your handwriting?

A. (Witness turns to date December 28, '62.)

43. Q. Were you present at any meeting of the church when there was a resolution offered to the effect that the Rev. A. Bouldin be notified in writing that from and after the 18th of September following his pastoral charge would cease by order of the church?

A. No, sir.

46. Q. Were you present at a meeting of the council that met in Bouldin's church?

A. I was not. The meeting was pretty near over by the time I got there.

47. Q. Did you take any one of these books from Mr. Phillip's office over to the Island?

A. No, sir.

314 Cross-examination by Mr. Tho's Wilson, of counsel for complainant:

48. Q. Is that your signature under date of November 20th, '63, in book marked Exhibit E(d), J. O. C.?

A. It is.

49. Q. There seems to be next to that leaf some leaves torn out?

A. Yes, sir.

50. Q. Do you know anything about when, where, or by whom those leaves were torn out?

A. I do not.

51. Q. Do you remember of any pages in this book, Ex. E(d), J. O. C., upon which there was figuring—a monetary account?

A. No, sir.

52. Q. What was the occasion of the party now worshipping on 9th street leaving the church corner of 4th & L?

A. Because they said they could not get in the house.

53. Q. When you speak of the Third Baptist Church, which party of the two do you mean to be the true Baptist Church?

A. I mean the party now worshipping on 9th street.

54. Q. How many joined the old church along about the three
315 months you have spoken of?

A. I cannot tell the number.

55. Q. Do you mean to say that there were ninety-six members that belonged to the church before you and the party that went with you joined the church?

A. Yes, sir.

W'M B. JEFFERSON.

Sworn & subscribed to before me this 17 day of Sept. '68.

JA'S O. CLEPHANE, *Examiner.*

Adjourned to meet on Monday, Sept. 21, '68, at the office of Thomas Wilson, esq., No. 2 4½ street, at 3 o'clock p. m.

JA'S O. CLEPHANE, *Examiner.*

Deposition of Mary Fay for defendants.

Examined by Mr. Terry, of counsel for defendants:

1. Q. Are you a member of the Third Colored Baptist Church in this city?

A. I am, and have been for the last three years.

2. Q. Were you present at a meeting of a colored council that
316 held a session in Mr. Bouldin's church some time in the summer of last year?

A. Yes, sir.

3. Q. Who was moderator of that council?

A. I do not remember.

4. Q. Do you remember whether the Rev. Mr. Anderson and the Rev. Mr. Parker were present?

A. Yes, sir; they were.

(Objected to by Mr. Wilson.)

5. Q. Was there any admonition given by the council to the church and pastor through Mr. Parker?

A. I do not remember about that.

6. Q. Were there a great many people present?

A. Yes, sir; there were people present from all the churches, colored churches, and people there, too, who did not belong to any church.

7. Q. Do you remember of a vote being taken there?

A. Yes, sir.

8. Q. Do you remember what it was upon?

A. It was taken upon who was for Bouldin and who was against him.

9. Q. Did persons who were not members of the Third Church vote there?

A. I do not know how that was.

317 10. Q. Did a majority vote in favor of Mr. Bouldin?

(Objected to by Mr. Wilson.)

A. Yes, sir.

11. Q. Did you see any church books there?

A. Yes, sir; they were brought into the church by Brother Bouldin. There were some who wanted to take them away from Brother Bouldin.

12. Q. Who were they?

A. The excluded members. They were going to take them away, and Brother Bouldin said, no; they were his own right and property. One of the council spoke up and said, "They are Brother Bouldin's property, and we are not entitled to take them away."

13. Q. Did they take them away?

A. No, sir; I do not think they took them away, because Brother Bouldin was opposed to it.

14. Q. What was done with the books finally?

A. I cannot tell.

By Mr. Wilson:

15. Q. Which party do you belong to now?

A. Brother Bouldin's.

her
MARY + FAY.
mark.

Witness: JA'S O. CLEPHANE.

Sworn & subscribed to before me this 21 day of September, 1868.
JA'S O. CLEPHANE, *Examiner.*

318 *Deposition of Adeline Lewis for defendant.*

Examined by Mr. Terry, of counsel for defendant:

1. Q. Were you at the meeting of the council of the Third Baptist Church?

A. Yes, sir.

2. Q. Who was moderator?

A. Mr. Anderson appeared to be the headman.

3. Q. Did the Rev. Mr. Anderson put anything to vote there to the people who were in that church?

A. Yes, sir.

4. Q. Do you remember what that vote was upon?

A. It was to know who was for the church and who was against it.

5. Q. Do you know whether people who were not members of that Third Baptist Church voted?

A. There were a great many from every church in the city who voted; a great many from off the Island, that I know.

6. Q. Were there some people there who did not belong to any church at all?

A. Yes, sir; dozens of them, all came in with the gang.

7. Q. Did they all vote, do you know, on this question?

319 A. Yes, sir; they all ris up from their seats and voted.

8. Q. What about the church books there?

A. I was sitting not far from the table where the books were lying, and they wanted and called for the books. The council called for them. Brother Bouldin remarked that they were his personal property, and they could not get them. Brother Roberts had the books in his hands, and Brother Anderson took the books from him and remarked, "These are my personal property." Brother Roberts said, "If that will make peace, let them have them." Brother Anderson took them by main force and handed them over to a brother who was on the left-hand side of him; I think it was Brother Parker. That is the last I saw of them. They walked right out of the door with the books.

9. Q. State whether Brother Bouldin read, before the council came, some of the proceedings of the church from the books?

A. Yes, sir.

Cross-examination by Mr. Wilson, of counsel for complainant:

10. Q. How many of the parties do you think they were who
320 did not belong to the Third Church who voted there that day?

A. I could not tell the number.

11. Q. How many were there who were not members of any church?

A. That I could not tell either; I know some who were not; among others, Mitchell Meredith, James Bouldin, and a man by the name of Sandy. There was one named George Jackson, who is a regular rowdy.

12. Q. Was not a notification given that none but members should be allowed to vote?

A. No, sir.

13. Q. Did this man James Bouldin vote?

A. No; I do not think he got up.

14. Q. Were you there before the council met?

A. Yes, sir.

15. [Q.] And that was the time when Brother Bouldin read the proceedings?

A. Yes, sir.

16. Q. When you say Mr. Anderson took the books from Mr. Bouldin by force, did they have much of a tussle?

321 A. No, sir; Brother Bouldin started to go out to get some person to have him stopped, but he was advised not to do so.

17. Q. A policeman, do you mean?

A. I guess so.

18. Q. And Brother Anderson took the books and carried them away with him?

A. Yes, sir; I saw him.

19. Q. How did he carry them?

A. He handed them to some of the rest.

20. Q. To whom did he hand them?

A. I disremember now who.

21. Q. Who carried them out?

A. I do not know.

22. Q. Did you see the books taken out of the church more than once?

A. They could not have been taken out but once. I only know they were taken out.

23. Q. Which party do you belong to?

A. I worship at Brother Bouldin's church.

her
ADELINE + LEWIS.
mark.

Sworn & subscribed to before me this 21st day of Sept., 1868.

JA'S O. CLEPHANE, *Examiner.*

322 *Deposition of Maria Smith for defendants.*

Examined by Mr. Terry, of counsel for defendants:

1. Q. Are you a member of the Third Baptist Church?

A. I am, and have been since its organization.

2. Q. Were you present at the meeting of the council held at the Third Baptist Church, when Mr. Anderson was moderator?

A. Yes, sir.

3. Q. About what proportion of the people who were present at that time ever belonged to the Third Church?

A. About 20 or 30; and there were from 100 to 150 present. The majority belonged to other colored churches. There were a great many there who did not belong to any church at all.

4. Q. Do you know whether Brother Bouldin took a vote of the people on any subject?

A. Yes, sir.

5. Q. Who voted on that occasion?

A. All the seceded members and those who were members of other churches, as well as the sinners, voted.

323 6. Q. Do you remember about the books?

A. Yes, sir.

7. Q. Who had the books there in the first place?

A. Anderson & Brother Parker.

8. Q. Where did they get them?

A. The books were brought there for them to see how business was done; and when they took the books, Bouldin says, "Here, take them; you can understand for yourselves." Brother Bouldin then spoke of the books being his own personal property. Brother Anderson then remarked, "I don't think you ought to keep these books, as he says they are his own personal property," and added, "You ought to give them back." But he did not do it. Brother Bouldin proposed to get an officer, but some of his friends advised him to wait until the morning, and perhaps they would bring them back; but they never came back.

(Objected to by Mr. Wilson.)

Cross-examination by Mr. Wilson, of counsel for complaint:

9. Q. Did you see them take the books?

324 A. Yes, sir.

10. Q. Who took the books away from Mr. Bouldin?

A. Mr. Anderson, and handed them over to Lee, who carried them away.

11. Q. Were you there when the council first commenced?

[A.] Yes, sir.

12. Q. Did you see anybody else take the books away?

A. I did not see them.

13. Q. Did they use any force in taking these books away?

A. Parker just came up and took the books out of Essex Roberts' hands, Brother Roberts at the time protesting against his doing so.

14. Q. Don't you remember of Essex Roberts saying, "Let them take the books if that will bring peace?"

A. I heard them talking, but there were so many speaking I did not understand that.

15. Q. You did not hear him say that?

A. No, sir.

16. Q. Give me the names of some of those who voted, who did not belong to the Third Church.

A. I cannot give their names, but I know they were not members of the Third Church.

325 17. Q. How do you know?

A. Do you suppose I don't know, when I have been in the church since its organization, and attended every meeting nearly, business as well as others? I can give you the names of two that I now remember who were not members of the Third, and yet who voted, Becky Hughes and Mr. Frazier of the Island Church. There was also a woman from New York, whose name I do not now remember. She told Mr. Medows she was from New York.

18. Q. Do you worship with Brother Bouldin's party?

A. I do not know anything about parties. I worship at Brother Bouldin's church.

19. Q. You say you were one of the founders of the church?

A. Yes, sir.

19. Q. Give us the names of the others.

A. Mr. Meredith, Mrs. Meredith, Mrs. York, Brother Bouldin, Sister Bouldin, Katie Bouldin, Alena Triplett, & I cannot remember the names of any others.

her
MARY + SMITH.
mark.

Sworn & subscribed to before me this 21 day of September, 1868.

JA'S O. CLEPHANE, *Examiner.*

326 *Deposition of Robert Williams for defendant.*

Examined by Mr. Terry, of counsel for defendant:

1. Q. Are you a member of the Third Baptist Church?

A. I am. I joined in '59.

2. Q. Were you present at a council of colored ministers held last year in Brother Bouldin's church, of which the Rev. Mr. Anderson was the chairman or moderator.

A. Yes, sir.

3. Q. Was there any vote taken where the people voted in the church?

A. Yes, sir.

4. Q. Do you remember what that vote was upon?

A. It was upon the proceedings in the church as they then stood. The opposite party had, contrary to our discipline, violated in a high-anded manner the rules of the church, for which the church took them under dealing, and considered them no members. This party went off and called a council. We, as a church, did not recognize the council, and told the council at the time that we would receive no admo-

327 nition from them.

5. Q. Was there an admonition given?

A. Yes, sir. It was given through Mr. Parker. He got up and said, "You are a free church; you are at liberty to give Brother Bouldin suitable notice, and then call whom you will." He proceeded with some further remarks, which I do not now remember. He then handed the books over to a certain man, contrary to our wishes and to the wishes of the church.

6. Q. When Brother Parker had pronounced this admonition or statement as to what the church could do, was it submitted to a vote of those of the church who were there?

A. Yes, sir; and to my astonishment I saw members of about three different churches, and a good many outsiders that I did not believe belonged to any church, get up and vote heartily against Mr. Bouldin. I got up immediately and protested against it. I was called to order three times, but, getting into a little bad humor, I refused to come to order until I had said what I believed to be right.

328 7. Q. About what proportion of the people in that church, at that time, belongs to the Third Baptist Church?

A. There were about 100 or 150 present, and not more than thirty belonged to the Third Church.

8. Q. Were those of the seceded party nearly all there?
A. Yes, sir; I believe they were all there?
9. Q. If those who had adhered to Mr. Bouldin's had been present at the council, could they have overrun, in point of numbers, the seceders?
A. Yes, sir.
10. Q. Now, how about the books?
A. The books were ordered by Mr. Anderson to be given to the opposite side, which was done. This was after they had been examined in the vestry. Mr. Bouldin and others objected, but their objections were not heeded.

Cross-examination by Mr. Wilson, of counsel for compl't:

11. Q. To which side of this church do you belong?
A. I worship at Brother Bouldin's church, but I don't recognize sides.
12. Q. How many of the old members of Mr. Bouldin's party were there that night?
329 A. Every one that was there was about thirty.
13. Q. How many voted against Mr. Bouldin?
A. I do not know. There was a large number.
14. Q. How many were there who did not belong to any church?
A. I cannot tell you the number.
15. Q. How do you know there were thirty and forty of Mr. Bouldin's party?
A. Because I could look around and see.
16. Q. Did you know any of those whoe were present and voted, who did not belong to Mr. Bouldin's church?
A. Yes, sir.
17. Q. Give me their names.
A. Frank Dickenson, Robert Allen, George Shanklin, and many others whom I cannot now name.
18. Q. Was there any violence made use of to get possession of these books?
A. I recollect that Brother Bouldin attempted to take the books. There was no snatching or attempts to push, shove, or anything of that sort. He said they had his private books, containing his private matters, and he must have them. I think after a while they concluded to give him one containing his private matters.
330 19. Q. Did they give him that book?
A. I think they did.
20. Q. Did they keep the balance?
A. They handed the balance over to a certain man, whose name I do not remember, because he was the clerk. His name was Lee.
21. Q. How long had he been clerk?
A. For some time, but not a very long time before that.

By Mr. Terry:

22. Q. Had he not been turned out with the others.
(Objected to by Mr. Wilson.)
A. Yes, sir; he was one of the rebels.

his
ROBERT + WILLIAMS.
mark.

Sworn & subscribed to before me this 21 day of September, 1868.
JA'S O. CLEPANE, *Examiner*.

331 *Deposition of Albert Bouldin for defendants.*

Examined by Mr. Terry, counsel for defendants:

1. Q. Were you present at the council in question at the Third Baptist Church?

A. Yes, sir.

2. Q. Please state about the admonition that was given there, the vote that was taken, and who voted.

A. After the committee returned from the vestry, Brother Anderson said Brother Parker would give an address. Parker got up and said, "You are all free; you can now give three months' notice, and turn Bouldin out, and he knows it." He said a great many other things too, which produced the greatest confusion.

3. Q. Was there a vote put to the people there?

A. Yes, sir; a vote was put upon the question whether the seceded parties were the church, or the parties that remained with the original church organization.

4. Q. That was put to the spectators as well as the others.

A. Yes, sir.

332 5. Q. What kind of people voted on that question?

A. They every one voted; some who were not members of any church. There were seven from the Island Church, eight or ten from the Methodist Church, eight or ten from the Second Baptist, two or three from the 4th Church, seven or eight from Shiloh's Church, and some from John Brook's Church.

6. Q. How many of them were people of the world, who did not belong to any church at all?

A. I suppose eighteen or twenty, to the best of my knowledge.

7. Q. What proportion of those present were such as adhered to the old church?

A. Not as much as a quarter.

8. Q. How were the books taken?

A. The books were taken when they came from the vestry. Brother Anderson stated that all was right; that they owed me so much money, and it can be settled. Brother Parker then gave an admonition, as you call it, and handed the books over to Lee, which Lee took. There were two or three sheets of items there. By losing those papers I shall lose

333 $400. I did everything but fight to prevent the books being handed over to Lee. I started up to see if I could not get the police, because I felt the loss of those books. They are worth to me over $25,000.

ALBERT BOULDIN.

Sworn & subscribed to before me this 21 day of Sept., 1868.

JA'S O. CLEPHANE, *Examiner.*

Adjourned to meet Saturday, Sept. 26, 1868, at the office of Mr. Thomas Wilson, No. 2 4½ street.

JA'S O. CLEPHANE, *Examiner.*

DISTRICT OF COLUMBIA, *County of Washington, ss:*

I, James O. Clephane, an examiner in chancery, do hereby certify that, in pursuance of annexed notice, the foregoing depositions were taken by me, and reduced to writing in the presence of, and from the statement of, the witnesses at the time and place designated in the caption thereof, were then and there read over by me to the wit-

334 nesses, and by them subscribed in my presence and in the presence of the solicitors in the cause which were then and there attending, the witnesses having been by me first duly sworn and testify the truth, the whole truth, and nothing but the truth, touching the matter at issue in said cause.

I further certify that I am not counsel for any of the parties to said cause, or in any manner interested therein.

JA'S C. CLEPHANE, *Examiner.*

Exhibits A[d], B[d], C[d], E[d], F[d], G[d], & H[d], filed with defendants' depositions, consist of books, and are ordered by appellants' solicitor not to be exhibited in this record.

Exhibit Dd to def'ts' testimony.—Filed

WASHINGTON, D. C., *June 7th*, 1867.

Regular church meeting opened with prayer, and proceeded to business. The pastor, A. Bouldin, moderator.

335 1st business. Collecting dues; paid pastor, $25 00; sexton, $10 00; bread and wine, $3 00.

2d business. The pastor leaving chair, and moving to turn out Louisa Scott for having a child without being married. A large debate by Oscar Robinson about her, saying that she told Jos. Alexander that it was Bro. Burley's child, and how could we turn her out without turning him out also. Vote taken on Bro. Bouldin's motion, and carried by the church.

3d business. Counting over the money. Bro. Winters disputed paying the amount of money, saying that some others of the bro's received a portion of it, and never made any returns to him; $15 00 he would pay, but would not pay any more; the amount on two books being $26 31, A. Bouldin's and Jos. Alexander's. He offered to pay $5 00, but the pastor would not receive it for two reasons, the trustee was not present as usual to receipt for it.

4th business. Question of Oscar Robinson asking for the ordination of three deacons; the pastor refused to do so for two good reasons. Before this time Bro. Robinson preferred a charg against them

336 about children by women members of the church; it had been for some time. A letter was written to the pastor, asking him to come and see them; he also received two other letters on the same subject.

5th business. Oscar Robinson asking the pastor if they could not pay the debt on the church, and call another minister. The pastor refused to entertain the question, stating that he, the pastor, was here preaching when they came, and built the church by giving a deed of trust on his own personal property to build the church, and is now bound for all debts due the church; he has been warranted and sued, and borrowed money at 30 per ct. to pay the debts. Bro. Robinson asked the pastor's pardon for the question. The pastor then said it was a conspiracy and a matter uncalled for. He was elected to preach for the church in 1862, and for as long as he was able. Bro. Minor moved to turn out all the old deacons and trustees. Motion seconded by Bro. Johnson and one other bro. Motion laid on table until Monday night following.

337 Adjourned to meet same night. Notice given to all to meet. Closed by benediction.

Monday night. Turned out four trustees, and appointed four others in their stead for the use of the church.

By the vote of the church, adjourned to meet on the 11th. Notice given to all.

The motion of Bro. Minor's to turn out trustees taken up. Their conduct taken up. Their coming in confusion and breaking up the peaceful worship, and refusing to hear the church, and threatening to call a council over the head of the church and pastor, and calling some one to the chair that was not a member of the church, and would not let us speak. The pastor giving the pardon to the church for the church to grant the same, and not the pastor. It was not the pastor's place to grant the pardon, because it was about two women as wives.

Adjourned to meet 13th. Notice given to all.

They would not come, but rented a house on 9th st. Church called them three times, but they would not hear the church.

Adjourned to meet on 17th; closed by benediction.

17th. Meeting opened with prayer. Essex Robinson, modera-
338 tor; pastor acting as clerk. Motion made to turn out all that would hear the church, and refusing to come at three notices, and worshipping at some other place; turned them out on church rules, 18th chapter of Matthew, 17 and 20 verses, by the vote of the peaceful members of the church; turned out 41 by virtue. Jos. Alexander was turned out when Sarah Ann Shepperson was turned out, which was some time back, until they bring repentance to the church. (Charges:) Breaking doors and taking forcible possession; 2. Going away on 9th st. from us, thereby dividing the body, and the deacons stating they must follow them; they, the deacons, being the church, and not the pastor; and peaceful members remaining in the on the Lord's day; all the old members and pastor was in the basement worshipping, and they up-stairs. They drove us out of the church, and we had to return back to the old shanty; they also broke open the windows and removed locks from the doors, and took full possession of house and keys,
339 of which the pastor had in his possession ten years. 3d. Forging a note in Squire Walter's name, stating they must take the church. W'm Jefferson brought it to Essex Roberts. On that night about a dozen of them beat with sticks and clubs one of the bro's, Dr. Washington, drawing blood, &c. The police had to take him under their protection to keep them from killing him. We were afraid of them, and had to lock ourselves out of the church to keep them from killing some of us. 4th. Disturbing the neighborhood to suteh an extent that our church was called a nuisance, and we could not help ourselves. 5th. The church was rented out about July 2nd to raise funds for the childrens' 4th of July anniversary. Thursday and Friday night the church was rented for the benefit of the children. They were not at the church the night the appointment was given out, and they knew they were turned out. A confusion arose in the upper room, and some one attempted to shoot Mr. Péir, who was superintending the exercises.

R. Williams, E. Roberts, and C. Dixon, trustees & deacons, and
340 pastor requested them to leave, as he expected to see some one shot every moment; for their own good and safety we told them to go. This is a true statement of all our church difficulties, so help me God, as near as I can say. There was two books, my own property, taken away from the church and found in possession of Ja's A. Lee, who

was at one time church clerk pro tem. This statement was in church books when they were destroyed, and can be proven by a dozen white & colored.

Motion for further time to take testimony.—Filed Dec. 4, 1868.

ALEXANDER ET AL.
vs.
BOULDIN ET AL. } 1054, equity.

Now comes the plaintiff, and moves the court for an extension of time for taking testimony until January 1, 1869, and for cause thereof submits the following affidavit.

PHILLIPS, BROWN & WILSON,
For Plaintiffs.

To respondents in above-entitled cause, or Jno. E. Norris, their attorney:

341 Take notice that the above motion will be set for hearing on to-morrow, Saturday, Dec. 5, at 10 a. m., or as soon thereafter as counsel can be heard.

THO'S WILSON,
Sol. for Pl'ff.

Service acknowledged this 4th day of December, 1868.
JNO. E. NORRIS,
Sol. for Def'ts.

I, Joseph Alexander, solemnly swear that, since the taking of the last testimony in the above-entitled cause, to wit, October 8th, 1868, the Philadelphia Baptist Association met in Philadelphia, Pa., and the committee having in charge the contest between the two parties represented by the above-named plaintiffs and defendants reported thereto in favor of the plaintiffs, & the association adopted their report, and admitted the plaintiffs as representing the 3d Baptist Church, and excluded the defendants; that the same is now published and has just been received.

JOSEPH ALEXANDER.

Subscribed & sworn to before me this 4th day of December, 1868.
R. J. MEIGS, *Clk.*

Order extending time to take testimony.—Filed Dec. 7, 1868.

Ordered, That the time for taking testimony in the above-entitled cause be extended until the 1st day of January, A. D. 1869.
A. B. OLIN, *Justice.*

Upon the motion of Jno. E. Norris, esq., sol. for def'ts, this cause is set down for hearing & placed March (1869) calendar.
Feb'y 24, 1869.
By the clerk.

341½ *Index to witnesses on behalf of complainants.*

Alexander, Joseph; Burley, Rich'd; Conner, Nelson; Jefferson, W'm

B.; in def'd's' dep., Lee, James S; Miner, Willis J.; Middleton, John; in def'd's' dep., Parker, George S.; Robinson, Duke W.; Scott, Rob.; Tolliver, Sandy; Walter, Charles; Walker, W. J.; Wright, Martin V.

342 In the supreme court of the District of Columbia.

JOSEPH ALEXANDER ET AL.
vs.
ALBERT BOULDIN ET AL.

Depositions for the complainants.

DISTRICT OF COLUMBIA, *County of Washington:*

Be it remembered that, on the 10th, 15th, 22d, 25th, 29 days of June, and the 7th, 9th, 11th days of August, and the 17th, 18th, & 19th days of September, in the year of our Lord one thousand eight hundred and sixty-eight, I, James O. Clephane, an examiner in chancery, did cause to be present at the circuit court room, city hall, in the city of Washington, in the said district, James H. Lee, Richard Burley, Sandy Tolliver, Nelson Connor, Robert Scott, Joseph Alexander, John
343 Middleton, William B. Jefferson, George W. Parker, Duke W. Anderson, William J. Walker, Martin V. Wright, Willis J. Miner, & Charles Walter, to testify on the part and behalf of the complainants in a certain cause now depending in the supreme court of the District of Columbia, wherein Joseph Alexander et al. are complainants, and Albert Bouldin et al. defendants.

344 *Deposition of James H. Lee for complainant.*

Examined by Thomas Wilson, of counsel:

1. Q. State your name, age, and place of residence.

A. James H. Lee; I am about 24 years of age, and live on I street, between 21st and 22d.

2. Q. Are you a member of the Third Colored Baptist Church?

A. I am.

3. Q. How long have you been a member?

A. From the 8th day of July, 1865.

4. Q. What official position, if any, do you hold in said church?

A. That of clerk of the church.

5. Q. How long have you held it?

A. I was elected the first time the 18th day of July, 1865, soon after I joined the church.

6. Q. Have you held it continuously since that time?

A. Yes, sir; ever since. I have been re-elected every year.

345 7. Q. Did you as church clerk have custody of the church records?

A. At that time I had charge of one part.

8. Q. What part?

A. I had a church record and three other money books in my possession at that time, before the counsil delivered the rest of the books in my hands.

9. Q. Was it your duty, and did you keep the minutes of the various business meetings of the church?

A. Yes, sir; at all times when I could be present. When I was not present, there was always an assistant clerk, or a clerk pro tem.

10. Q. Where are those church records?
A. They are in the clerk's office of the District of Columbia.
11. Q. Do you know in what case they are filed?
A. They have been filed in this case.
12. Q. Have you seen them lately; and, if so, when?
A. I saw them there the other day, and yesterday.
346 13. Q. Describe them so that they can be identified to the court.
A. *Not* was the church record.
14. Q. What does it contain?
A. The minutes of the church from the time of its organization; the minutes of both the regular meetings and the called meetings.
15. Q. From the time of the organization of the church down to what time?
A. Down to November 10th, 1867. Those are the last proceedings that have been entered in the book.
16. Q. What was the reason of your stopping the entries at that time?
A. Because the books were in the lawyer's office, or in the court. I therefore could not get them, and I was compelled in consequence to keep the minutes on seperate sheets of paper.
17. Q. Have you those papers?
A. Yes, sir.
347 (Witness, being called upon to produce the papers, did as requested, and they were marked respectively Exhibits "A," "B," J. O. C., and filed and annexed hereto.)
18. Q. And if you had had that book, the proceedings would have been entered therein instead of on these sheets?
A. Yes, sir.
19. Q. And these sheets contain a continuation of the minutes of proceedings?
A. Yes, sir. There might be some there that correspond with the entries in the book. I doubtless kept a copy of some.
20. Q. Am I to understand you that these entries on the book and these entered on these sheets contain all the proceedings that have been had from the time of the organization of the church down to the last day that is mentioned in this?
A. There might have been other proceedings, but no account was made of them, so far as I know.
21. Q. How is the church record book that is on file in the clerk's office marked?
348 A. It is marked "J. H. L., No. 1."
22. Q. What is "J. H. L., No. 2?"
A. That contains the names of the members who are holding with us on 9th street.
23. Q. Who do you mean by "us on 9th street?"
A. I mean the party that did not follow Mr. Bouldin.
24. Q. You mean the plaintiffs in this action?
A. Yes, sir.
25. Q. What do the papers marked No. 3 contain?
A. They contain the names—
(Objected to by Mr. Norris, for the reason that the papers are not produced for the inspection of counsel.)
26. Q. Where is the paper marked No. 3?
A. In the clerk's office.
27. Q. What does it contain?

A. It contains the names of all the members who continued with Mr. Bouldin.

28. Q. What do the balance of the books on file in the clerk's office contain?

349 (Mr. Norris desired it to be noted that all this evidence went in under his objection.)

A. They containe the moneys received in and paid out.

29. Q. And how are they marked?

A. "J. H. L."

30. Q. From what number to 12?

A. From 4 to 12, inclusive.

31. Q. Have you a list of the members of the Third Baptist Colored Church now holding on 9th street, in the school-house?

A. Yes, sir.

32. Q. Will you produce that list?

A. Yes, sir. Here it is, (handing paper marked "Exhibit C" to counsel.)

33. Q. How many names are on that list?

A. Two hundred and forty-two.

34. Q. Are they all members of your church at the present time?

A. Yes, sir. There may be two or three of them on that list that have got the letters from us and joined other churches since that time.

350 They were members then, however.

35. Q. Have you a list of the members who adhered to Bouldin before there was any split?

A. I have.

(The paper containing said list was produced, and marked Exhibit D.)

36. Q. Have any of the members who adhered to Bouldin at the time of the split come back from him to your side?

A. Yes, sir.

37. Q. How many?

A. Four, to my knowledge.

38. Q. Were any councils called by your church?

A. Yes, sir.

39. Q. Have you the proceedings of the first council called?

A. Yes, sir.

(Paper containing the same was here produced, and marked Exhibit E.)

40. Q. And have you the proceedings of the second?

A. I have.

351 (Paper containing the same here produced, and marked Exhibit F.)

41. Q. Have you the proceedings of the third?

A. I have.

(Paper containing the same was here produced, and marked Exhibit G.)

42. Q. Were those papers returned to you by the clerk of the council as the proceedings of those councils?

A. Yes, sir; they were at one time.

43. Q. Did you, as church clerk, notify the various parties, ministers, and elders, of the calling of the council, stating time and place?

A. Yes, sir.

44. Q. At any one of those three councils did you omit or fail to notify Mr. Bouldin?

A. No, sir; I think not.

45. Q. Was Mr. Bouldin ever turned out of the Third Baptist Church?

A. Yes, sir.

46. Q. Have you a copy of the charges?

A. Yes, sir.

352 (Paper containing same produced, and *and* marked Exhibit H.)

47. Q. Are the proceedings which were had relative to his being turned out to be found in the church book of which I have spoken?

A. Yes, sir.

48. Q. State whether or not you were ever arrested by Mr. Bouldin.

A. I was arrested on the 4th of July, 1867.

49. Q. Have you at any other time been arrested by him?

A. No, sir.

50. Q. Before what justice were you taken?

A. Justice Walter.

51. Q. Did you have a trial?

A. Yes, sir; I think so.

52. Q. Were these church records and books which are now on file, or any part of them, books which you were charged with stealing when arrested?

A. Yes, sir.

53. Q. Can you name any of them?

A. The No. 1 book was one that he had me arrested on the charge of stealing. That and the other small books he said I had stolen,

353 and that they were his own.

54. Q. Are the three small books part of the record?

A. I do not know anything about the small books that he said I had stolen.

55. Q. You do not know, then, whether any other of those books are the books which you are charged with having stolen?

A. No, sir.

JAMES H. LEE.

Sworn and subscribed to before me this 10th day of June, 1868.

JA'S O. CLEPHANE,
Examiner in Chancery.

354 *Deposition of Richard Burley for complainant.*

Examined by Thomas Wilson, esq., of counsel for compl't:

1. Q. Are you a member of the Third Colored Baptist Church?

A. I am.

2. Q. How long have you been a member?

A. I joined in 1865, I believe.

3. Q. Were you up at the Third Baptist Colored Church in this town a year ago on the occasion of the doors being opened by some parties?

A. Yes, sir.

4. Q. State what you know with regard to that.

A. When I got there Edward Dickson, William Robertson, Manson Robertson, and a locksmith, whose name I do not know, were there.

5. Q. Do you know where he lives?

A. No, sir.

6. Q. Was he a white or a colored man?

A. A white man.

355 7. Q. Were the others colored?

A. Yes, sir.

8. Q. Were they members of the church?

A. William Robinson was not.

9. Q. Are the Manson Robertson and the Edward Dickson of whom you speak the men who now claim to be trustees of the church?

A. Yes, sir.

10. Q. Manson was standing at the door saying that it was a curious thing, and he did not understand it, while Dickson was assisting the locksmith in taking the lock off.

11. Q. What was the locksmith doing?

A. He was at the time unscrewing the locks, giving one to Dickson which he had in his hand.

12. Q. At what door were they?

A. The outer door.

13. Q. Was it or not the regular place of worship for the Third Colored Baptist Church up to that time?

A. It was.

14. Q. Where is it situated?

356 A. Corner of 4th & L.

15. Q. In this city?

A. Yes, sir.

16. Q. Does it stand right on the corner?

A. Yes, sir.

17. Q. Which corner?

A. As you go up 4th street, across L, it is on the northeast corner.

18. Q. On which side does it front?

A. L street.

19. Q. Which street is the entrance upon?

A. On L street.

20. Q. Do you go in from 4th street or L street?

A. The main entrance is on L street, and the back entrance on 4th street.

21. Q. At which of these entrances were they picking the lock?

A. The L street one.

22. Q. Was it or not the main, regular entrance to the church?

A. Yes, sir.

23. Q. Did they take the locks off or not?

A. They took them off.

357 24. Q. What was done after they took them off?

A. William Robertson told Dickson to wrap them up & send them to Joseph Alexander. Dickson locked the door, put the key in his pocket, and walked off.

25. Q. Did they do anything more after they opened the front door?

A. Yes, sir; they proceeded in and took the locks off the inside doors.

26. Q. Do you know whether he delivered the locks to Alexander?

A. I do not think he did.

27. Q. Did they leave anybody there in charge of the church?

A. No, sir.

28. Q. Did they or not put any other locks on?

A. Yes, sir; Dickson locked the door and put the key in his pocket.

29. Q. Have they had possession of the church ever since that time or not?

A. Yes, sir.

30. Q. Can you tell what time this was?

A. No, sir.

358 31. Q. It was last summer, some time?

A. Yes, sir; but I do not remember exactly what month it was in.

32. Q. Do you remember when proceedings were had or begun before Squire Walter to determine as to who was entitled to the church?

A. No, sir.

33. Q. Was it before or after Lee was arrested?
A. After.
34. Q. Has Alexander, or Jefferson, or any of that part, been in possession of the church at any time, that you know of?
A. No, sir.
35. Q. Who has been in possession of the church since then?
A. Bouldin and his party.
36. Q. Where do you live?
A. On O, between 2nd & 3rd streets.
37. Q. Have you been at his church attending public worship since then?
A. I have been there twice; not to attend the meeting, however, but simply to look on.
38. Q. When was the first time since then?
359 A. The third Sunday in April, communion Sunday.
39. Q. Who officiated there then?
A. Bouldin and his party.
40. Q. Was it their regular church meeting?
A. Yes, sir.
41. Q. What time, forenoon or afternoon?
A. Afternoon.
42. Q. How many persons were present at that time?
A. Thirty-six in the whole congregation, twenty-three of whom were members.
43. Q. Did they all partake of the communion service?
A. All of the twenty-three did.
44. Q. Did the others?
A. The others belonged to the congregation. The way I came to know the numbers was by counting them.
45. Q. Have you been there since that time?
A. Yes, sir; I was there yesterday. There were then thirty-six present, as before.
46. Q. What time of day was that?
360 A. In the afternoon.
47. Q. How many services does he have at that church on Sunday?
48. A. Three, I think. Last night I was there again.
Q. Do you know how many were members?
A. No, sir; I could only tell who were members by seeing who took sacrament.
Q. Did he (Boulden) officiate there as pastor every time?
A. He had a white gentleman there yesterday afternoon to preach for him, and last night he preached himself.
Q. But he was there?
A. Yes, sir.
Q. Do you know any other matter or thing in relation to the matters in controversy of benefit to either party?
A. No, sir.

RICHARD BURLEY.

Sworn & subscribed to before me this 15 day of June, '68.
JA'S O. CLEPHANE, *Examiner.*

361 *Deposition of Sandy Tolliver for complainant.*

Examined by Thomas Wilson, esq., of counsel for compl'ts:
1. Q. Are you a member of the 3d Baptist Church, in Washington?

A. I am.
2. Q. How long have you been a member?
A. Since 1863.
3. Q. Where does the Third Colored Baptist Church now worship?
A. On 9th street, between P & Q.
4. Q. How long have they been worshipping there?
A. I could not state about that; it has been pretty well on to a year now.
5. Q. Are you a regular attendant there?
A. I am a member of the church, but I am not at all times there.
6. Q. In what building do they hold their services *in?*
A. It is a school-house.
7. Q. Do you know how many attendants there are there?
362 A. Many times we find from 200 to 300 attendants; but they are not all members of the church.
8. Q. Did you ever count them?
A. No, sir.
9. Q. Did you ever attend their church over on the of 4th & L?
A. Never since we left there but once or twice.
10. When was that?
A. The third Sunday in May last.
11. Who then officiated there?
A. Boulden.
12. Q. How many were in attendance that day?
A. Thirty-five, as near as I could judge; some three or four persons came in after the mission church let out.

his
SANDY + TOLLIVER.
mark.

Sworn and subscribed before me this 15th day of June, 1868.
JA'S O. CLEPHANE, *Examiner.*

363 *Deposition of Nelson Conner for complainant.*

Examined by Thomas Wilson, esq., of counsel for compl't:

1. Q. Are you a member of the Third Babtist Church?
A. I am.
2. Q. How long have you been?
A. Since the third Sunday in May, 1867.
3. Q. Were you present last summer at the Third Babtist Church when the locks were picked by some persons?
A. Yes, sir.
4. Q. State what you may know with regard to the performances at that time.
A. I was sexton of the church at that time. First they sent old man's Bouldin's son over; the one who don't belong to the church, Jim. He was sent over to get the keys, in order to get a piece of plank. I refused to let him have them. I told him to go to Brother Alexander's; and that if he came down with him he could get in to get the plank.
364 He went away like as if he was going to Brother Alexander's, and in a short time came back, saying that Brother Alexander had given him permission to get the keys. I told him that he could not have them unless Brother Alexander came himself. He then left. About half an hour afterwards six of them came across from old man Boulden's.

They were Manson Robertson, Edward Dickson, his son-in-law, John Williams, a locksmith, whose name I do not know, and another man by the name of Robinson. They demanded the keys, stating that if they did not get them they would go in anyhow. I told them to go and see Brother Alexander, and that if he came down with them they could get in without usind any force. They started off as if to go, and, fearing they might not tell the right tale, I followed them up there. He refusing to give them the keys, they started back. Brother Alexander and
365 myself, as soon as he could fasten up his shop, followed. When we got there they had just set to work to get the lock off. Dickson stood in the door, and remarked to us that we need'nt look; that he was the man who was having the lock taken off.

5. Q. Who did he say that too?

A. To Brother Alexander.

6. Q. What door was that?

A. The door on the corner of 4th & L.

7. Q. Which street does it front on?

A. L street.

8. Q. Did they open the door?

A. Yes, sir.

9. Q. What did they do then?

A. They took off the locks that were on, and put on other locks.

10. [Q.] Did they open the other doors?

A. They opened the stair doors while we were standing there looking at them.

11. Q. Did that let them clear into the body of the church?

A. Yes, sir; they opened all the doors.

12. Q. Did they put other locks on all the doors?

366 A. I do not know whether they put other locks on all the doors or not. They put other locks on the front doors.

13. Q. What did they do after they had got the locks on?

A. We left them in the church when we came away. We then started down to your office.

14. Q. Where did you live at that time?

A. Right by the side of the church. There is only a two-foot alley between the house and the church.

15. Q. Who has worshipped in that church since then?

A. Bouldin has been worshipping there ever since with his party.

16. Q. Have Alexander and Jefferson and those of their party ever worshipped there since that time?

A. No, sir.

17. Q. Where have they worshipped?

A. On 9th street, between P & Q.

18. [Q.] They never have had any possession of the church since that time?

367 A. No, sir.

19. Q. Who has had possession of it ever since then?

A. Bouldin and his party.

20. Q. Who is the sexton there now?

A. I do not know. First one opens the church, and then the other. I cannot tell who is the sexton.

21. Q. But you are certain Alexander and his party have never worshipped, and had no possession since that time?

A. No, sir.

22. Q. When was this?

A. In July of last year.

23. Q. Do you know anything about the proceedings before Squire Walter to obtain possession of the church?

A. I do not.

24. Q. Was Alexander and Jefferson, and the party that belonged to them, worshipping there before that time?

A. Yes, sir.

25. Q. How long had they been worshipping there?

368 A. It had been a little upwards of a month since the first time the church was opened.

26. Q. Who had it before the split?

A. They all had it before the split.

27. Q. How long had they had it?

A. Every since the foundation was laid, which I believe was in 1863.

28. Q. How long before the split had Bouldin or his party had possession of it, to the exclusion of Alexander, Jefferson, and their party?

A. I do not remember exactly; I think two weeks.

29. Q. During that two weeks did they exclude Jefferson, Alexander, and their party from possession?

A. He said they excluded them from possession and also from membership. He turned out 60, he said. I was among the number. He drove us out, and then said he had turned us out.

30. Q. How did he drive you out?

A. He said he was going to have us all arrested if we did not go out, and he had a policeman in the church for this purpose.

369 Of course, we went out. He then *he then* locked the doors and kept us out.

31. Q. On what occasion did he say this?

A. It was a prayer-meeting night.

32. Q. That was the night he had the policeman there and drove you out?

A. Yes, sir.

33. Q. Do you attend church on 9th street?

A. I do.

34. Q. How much of a congregation have you there?

A. There are from two hundred to three hundred members there. The house is always crowded.

NELSON his + mark CONNER.

Witness: JA'S O. CLEPHANE.

Sworn & subscribed to before me this 15th day of June, 1868.

JA'S O. CLEPHANE, *Examiner.*

370 *Deposition of Robert Scott for complainant.*

Examined by Thomas Wilson, esq., of counsel for compl't:

1. Q. You are a member of the Third Baptist Colored Church?

A. Yes, sir.

2. Q. How long have you been a member?

A. Six years.

3. Q. Do you hold any position?

A. I am sexton at the present time.

4. Q. How long have you been a sexton?

A. About five months.

5. Q. Where does that congregation worship?

A. On 9th street, between P & Q.
6. Q. Do you attend regularly?
A. Yes, sir.
7. Q. How many members attend there?
A. Not less than two hundred; sometimes more.
8. Q. How many are there who generally attend as worshippers?
A. About two hundred & sixty.
9. Q. Have you ever counted them?
371 A. I have counted them frequently at the door.
10. Q. Is the house usually full or not?
A. Yes, sir; more come than can get in.
11. Q. Who officiates as pastor?
A. Brother Jefferson.
12. Q. What was the occasion of your moving over on 9th street?
A. We were turned out of our house by Albert Bouldin.
Q. Do you rent or lease the school-house where you are?
A. Rent it.

his
ROBERT + SCOTT.
mark.

Witness: JA'S O. CLEPHANE.

Sworn & subscribed to before me this 15 day of June, 1868.
JA'S O. CLEPHANE, *Examiner.*

372 *Deposition of Joseph Alexander for complainant.*

Examined by Thomas Wilson, esq., of counsel for compl't:

1. Q. You are a member of the Third Baptist Colored Church?
A. Yes, sir; I joined, I think, in 1863.
2. Q. Are you a trustee of the church?
A. Yes, sir.
3. Q. How long have you been trustee?
A. Ever since I joined.
4. Q. How often did the election take place?
A. I believe it is generally the first Monday in January of each year.
5. Q. And you have been re-elected trustee every since?
A. Yes, sir.
6. Q. Are you one of the plaintiffs in this action?
A. Yes, sir.
7. Just go on and state what was the origin and cause of the difficulties in that church, between whom, when it commenced, and
373 what was the occasion of them.

A. We held our deacon meeting in May; then we carried our reports to the regular church meeting, and while we were there talking and trying to get our money matters together, in order that we might make payment on the meeting-house, corner of L and 4th streets, Brother Robinson said, "Brother, let us accumulate our moneys as much as we can, and as soon as we can, and pay this amount owing on this house, so that it may be a free house, and thus have the congregation's mouth stopped from saying this is Bouldin's and his children's property." Bouldin got up and said, "You may pay for this house as soon as you choose, but I am in here for my lifetime unless you kill me." Brother Robinson then said, "Brother Bouldin, as you have often said that if we want information to ask for it, I will ask you for some information; it is this: If we were to pay for this property, could we call another

374 minister if we chose?" Bouldin fell back in his chair and says, "I am hurt to my heart; I never had such a speech made to me in my life." Says Brother Robinson, "As you have often told me to ask for information when I wanted it, I have asked you for information, and as it appears like asking you for information is hurtful to you I ask your pardon." Bouldin said he could not grant a pardon. Then I arose, and in a weak way said, "Brother Bouldin, we have often heard you read from the 18th chapter of Mathew to the effect that we should not only forgive seven times in one day, but seventy times seven." Mr. Bouldin replied that he was not included in that passage of scripture; that it didn't belong to him. Says I, "Well, Brother Bouldin, as you have gone beyound God, I am done." The congregation was then dismissed, and on Thursday night we went back to our regular church meeting. When we got there we found that he had the pulpit up-stairs taken down, a piano there, and a parcel of per-
375 sons carrying on. We did not attempt to interfere with them, but went into the basement, struck a light, and sung a hymn. After that we knelt down and prayed. Bouldin and his son came in and sat down until we got through. When we got through, Mr. Bouldin got up and said, "Brethen, every one of you get right out of here; there is no time for this now; go on out; if you do not, I will have you locked up." After saying that, he went out and brought in two or three policemen. They came in and, seeing we were not up to any devilment, went out again without saying anything. A lot of rowdies then came in from up-stairs & begun to pick up the benches, and commenced cursing and swearing. As we could not further proceed with our meeting we got up and left; that ended our church meeting. Then he gave us a call to come together to see about this fuss. We came together three times in obedience to his call to see how we could make out. When we came
376 together the last time, Bouldin opened the doors and called the world in from the streets to hear what took place. The people would not agree to have the church doors thus thrown open; it wasn't correct. Because of the publicity thus given to our proceedings, Brother Middleton moved to adjourn; which motion was carried, and the business for which we had come together was put off to a regular church meeting. On the next night he stated that he had turned us out, whereas the fact was that we had moved for an adjournment. The reason the difficulty was so great was because that, every time we would insist upon knowing how much money we had paid on that ground, he would say that we were fools, and didn't know what we were talking about; that we didn't own a foot of the ground. He said this notwithstanding I had at different times piled up the money on the table, and he had received it. When we asked for our bills, however, he would fight and kick against it. After that, as Mr. Bouldin was a minister, going con-
377 trary to the rules of the church, we were compelled to call a council to settle this matter. We held a meeting, and moved to dismiss him from the pulpit. The house was crowded; Mr. Bouldin was present among others. The whole house, with the exception of five or six, voted for it.

8. Q. I am to understand that the origin and cause of the difficulty were that he refused to account to you, or to any one on your behalf, for the amount of money that had been received by him, and how it had been disbursed?

A. Yes, sir; he refused over and over again to render any account.

9. Q. After these locks were picked, and church taken possession of by Bouldin and his party, you went over on 9th street to worship?

A. Yes, sir; we first went on H street, and from thence to 9th street. We staid on H street about a month.

10. Q. Do you remember the time that he commenced proceedings before Squire Walter to obtain possession of the church by forcible entry and detainer?

378 A. Yes, sir; I think it was about June or July.

11. Q. When was it, compared with the time those proceedings were commenced, that he picked the locks, as has been described here by Conner & Burley?

A. It was between the time he sued out the writ and before the day of trial before Squire Walter.

12. Q. What became of those proceedings?

A. They came in and dismissed the suit.

13. Q. Were you present at the time the locks were picked?

A. Yes, sir.

14. Q. And they took possession?

A. Yes, sir.

15. Q. Did you consent to their going in?

A. No, sir.

16. Q. Do you know anything with regard to Bouldin having refused the possession of the church to the council that was called for the settlement of this difficulty along in June of last year?

A. Yes, ser; he refused four or five times, to my knowledge.

379 17. Q. Where did the council meet, after failure to get into their house corner 4th & L?

A. Down at the Second Baptist Church.

18. Q. How many times did you meet there?

A. Twice.

19. Q. While he had possession of the keys, how many times did he make the council meet at some place other than the Third Baptist Church?

A. Three or four times. The books were overhauled, and, being found all right, were returned by Brother Parker, of Alexandria, to Brother Lee, to whom they belonged, and handed me my deed.

20. Q. Was that in the presence of the council?

A. Yes, sir.

21. Q. I will ask you whether Bouldin did not afterwards commence a prosecution against Lee, charging him with the larceny of those books.

A. Yes, sir; he charged Brother Lee before Squire Walter with the larceny of four books.

22. Q. Were those four books the books that were delivered by the council to Lee?

380 A. Yes, sir.

23. Q. In Bouldin's presence?

A. Yes, sir. I would beg leave to state here that a committee of three of us, Brothers Prior, Duff, and myself, were anxious and made an effort in the direction of having the ground paid for before the bricks were put upon it. For this action he refused to give us sacrament.

24. Q. What deed is it that you have reference to that was delivered to you by the council?

A. That is the original deed made by Bouldin.

25. Q. What land or ground did that deed convey?

A. The ground the church stood on.

26. Q. Do you know about when that deed was made?

A. Not exactly the time.

27. It was, however, a deed made by Bouldin to you and some others as trustees?

A. Yes, sir.

28. Q. The council, I understand you to say, delivered that deed to you?

A. Yes, sir.

381 29. Q. Do you know where it is now?

A. No, sir.

30. Q. When and where did you last see it?

A. The last time was in Mr. Phillips' office.

31. Q. Do you know anything about where it is now?

A. No, sir.

32. Q. Have you any idea of its whereabouts?

A. I have not. The books were called for, and we delivered them there.

33. Q. Did you make a deed of trust back to Barnaclo to secure Bouldin for some of the money that was due to him.

A. Yes, sir.

34. Q. Was the deed made by Bouldin to you and the deed made by Barnaclo intended to be both upon the church property?

A. Yes, sir.

35. Q. Do you know any other matter or thing in relation to the matter in controversy of benefit to either party?

A. No, sir.

JOSEPH ALEXANDER.

Sworn & subscribed to before me this 15th day of June, 1868.

JA'S O. CLEPHANE, *Examiner.*

382 *Deposition of John Middleton for complainant.*

Examined by Thomas Wilson, esq., for compl't:

1. Q. How long have you been a member of the Third Colored Baptist Church?

A. In 1864 I joined.

2. Q. Are you a trustee of the church?

A. Yes, sir; and have been since I joined.

3. Q. Where does that congregation now worship?

A. On 9th street.

4. Q. State the origin and cause of the difficulty between your party and that of Bouldin's.

A. Well, we were in a little trouble, and desired Brother Leonard to look over the books of the church, and see how the property stood. He did so, and told us all the notes were signed in Bouldin's name; which was not correct, as they ought to have been signed in the name of the trustees. When we paid him the money, he took up the notes himself, and then kept on saying we owed him so much money.

383 We then concluded it was our duty to take up the notes. This he refused to have done. This trouble caused confusion in the church.

5. Q. Do you know anything about this last deed?

A. No, sir.

6. Q. You don't know where it is?

A. No, sir; the last time I knew anything about it, Brother Alexander had it in Mr. Phillips' office, and I have not seen it since.

7. Q. Do you remember the deed made to you, as one of the trustees, by Bouldin for the church property?

A. Yes, sir.

8. Q. Was that intended to cover the property on which the church now stands?

A. Yes, sir; he told me so, and it was made on that condition.

9. Q. Was it to be on the same property for which the deed of trust was made to Barnaclo?

A. I could not tell you exactly.

10. Q. Were not they both intended to be upon the church property?

A. Yes, sir.

384 11. Q. And it is a mistake if either of them should be on any other than the church property?

A. Yes, sir.

12. Q. Do you know any other matter or thing in relation to the matters in controversy of benefit to either party?

A. No, sir.

his
JOHN + MIDDDETON.
mark.

Witness: JA'S CLEPHANE.

Sworn & subscribed to before me this 15th day of June, 1868.

JA'S O. CLEPHANE, *Examiner.*

385 *Deposition of William B. Jefferson for complainant.*

Examined by Thomas Wilson, esq., of counsel for complainant:

1. Q. How long have you been a member of the Third Baptist Colored Church?

A. From the latter part of 1862.

2. Q. Are you now acting as pastor for that church?

A. I am acting as "supply," and still preaching to the church, as I was before the difficulty. Some one is called in once a month to assist in giving communion, who is called a "supply."

3. Q. You are not then the *then the* regular minister of the Baptist Church?

A. No, sir.

4. Q. Have you been ordained?

A. No, sir.

5. Q. How long have you been serving as "supply," or acting in the capacity of pastor?

A. Ever since the church has had this difficulty, and left the old meeting-house and went over to H and 9th streets.

386 6. Q. Are you acquainted with the origin of the difficulty that has been existing between this party and Bouldin?

A. Yes, sir.

7. Q. Have you heard the testimony of Middleton and Alexander?

A. Yes, sir.

8. Q. State whether what they stated was substantially correct.

A. Yes, sir.

9. Q. State whether or not there was any trouble or difference in the church caused by reason of your wanting to be the pastor.

A. Not any.

10. Q. Have you now any wish or expectation to be pastor of the church?

A. I do not expect it.

11. Q. Do you know of any person who has been either called to the church as pastor, or that is expected by you or by any members of the church is be called?

A. None that I know of.

387 12. Q. Do you know whether or not Bouldin was turned out of the church?

A. Yes, sir.

13. Q. Do you know of his being present at the time he was turned out?

A. He was not present, but he was notified.

14. Q. How do you know he was notified?

A. I was in the meeting when the act was passed.

15. [Q.] To notify him?

A. The note was *was* written and sent to him for him to appear in his own defence.

16. Q. Do you know any other matter or thing in relation to the matters in controversy of benefit to either party?

A. No, sir.

W'M B. JEFFERSON.

Sworn & subscribed to before me this 15th day of June, 1868.

JA'S O. CLEPHANE, *Examiner.*

Adjourned till Monday, June 22nd, at Thomas Wilson's office, at 5 o'clock p. m.

JA'S O. CLEPHANE, *Examiner.*

388 1868, JUNE 22ND.—Met pursuant to adjournment. Present, Thomas Wilson, esq., of counsel for complainant, and John E. Norris, esq., of counsel for defendant; also several witnesses.

Witness W'M B. JEFFERSON recalled:

By Thomas Wilson, of counsel for complainant:

1. Q. When was the last meeting of the Third Colored Baptist Church?

A. The second day of October last.

2. Q. Were you there?

A. Yes, sir.

3. Q. Have you a copy, or any portion of a copy, of the minutes of that association?

A. I have, sir.

4. Q. Is this it? (Handing witness a written paper filed herewith, and marked Exhibit "J.")

A. Yes, sir.

389 (Mr. Norris objects to the reception of the paper on the ground that it is unaccompanied by the letters referred to.)

5. Q. Who did you say you got that of?

A. Of the clerk of the association.

6. Q. Did you get any more of it than that?

A. No, sir; I got two pieces of the same kind; I have one at home the same as that. I have not the minutes of the whole association, and yet I can very easily get them.

7. Q. When was the meeting held of which that purports to be a part of the minutes?

A. Month of October, 1867.

8. Q. Did you meet the committee that is mentioned in these minutes as appointed at that meeting while you were there?

A. I did.

9. Q. After the report that is set forth on the second page was first put in?

A. Yes, sir.

10. Q. Who was present?

A. Brother Alexander, Brother Bouldin, Brother *Brother* Dixon, and myself, from the Third Church.

390 11. Q. What was directed to be done by that committee?

A. To return home, call a mutual council of all the churches, white and colored.

12. Q. Was Bouldin present at the time that direction was given?

A. Yes, sir.

13. Q. Did he assent or not?

A. I met Alexander and Brother D , and went and sat out on the front porch and talked the matter over together; and we agreed to have a mutual council when we came home. He (Bouldin) asked if Brother Alexander and I could settle it there. I told him I did not think we could, because we were only two persons from each of the parties. I told him that, if we went home, I thought we could do better. He said, well, he would do anything just to get the thing settled.

14. Q. Did you have any talk with him after you came home?

A. I did not.

15. Q. Was there a council called after you had returned home,

391 in accordance with that agreement?

A. Yes, sir.

16. Q. About what time did it meet?

A. I do not know the day of the month.

17. Q. How long after you got home?

A. About a week or two weeks, some time in October. It is set down on the minutes.

18. Q. Was Mr. Bouldin present?

A. He was not.

19. Q. Do you know anything about his being notified to be present?

A. I remember of a committee of five being sent down to notify him of all the facts.

(Mr. Norris objects to the answer.)

20. Q. Do you know of a committee of five being appointed?

A. I was moderator of the meeting that appointed the committee. Whether they went down there I do not know. They were appointed, I know, by the church.

21. Q. To notify him to appear at the council?

392 A. Yes, sir; and state all the facts.

22. Q. When the council was called, do you know anything about his being there, or in that neighborhood?

A. I do not know; he was not there. I do not know whether he was in the neighborhood or not.

23. Q. Where did the council meet?

A. At the Second Baptist Church.

24. Q. Was it not to have met at the Third Baptist Church?

A. That was the understanding at the first.

25. Q. Why was it it didn't meet there?

A. We understood the house would not be open, and we had to go to the Second Babtist Church.

26. Q. Did you go to the Third Baptist Church?

A. I did not; but some persons told us objections would be made, and that we would have to go to the Second Baptist Church, and so I went there.

27. Q. As I understood you, the council did not do anything particularly?

A. No, sir; they adjourned without doing anything particularly.

28. Q. Until what time did they adjourn?

393 A. Until we could get a hearing from the committee that was appointed by the association.

29. Q. For what purpose?

A. To call the churches, both white and colored, within a given district.

30. Q. Did you get that?

A. Yes, sir.

31. Q. Who from?

A. We got a letter from Dr. Howard Malcom, directing us how to call a council, and stating in the letter just what he had instructed us at the association.

32. Q. Have you that letter?

A. Yes, sir.

33. Q. Is that it? (Handing witness letter filed herewith, and marked Exhibit "K," J. O. C.)

A. Yes, sir.

34. Q. After the receipt of that letter, you went on and held your council?

A. Yes, sir.

35. [Q.] Was Mr. Bouldin there?

A. He was not.

36. Q. Do you know any reason why he was not there?

394 A. I do not. I understood he would not come. I did not see him myself.

37. Q. Did you ever hear him say that he would not meet you in council?

A. No, sir; I never had any talk with him on meeting in council.

Cross-examined by Mr. Norris:

38. Q. You say in your answer here that you belonged to the Third Colored Baptist Church in '62?

A. Yes, sir; latter part of 1862.

39. Q. Were you in Washington in the year 1862?

A. Yes, sir; I came here in August, 1862, just before Christmas, and almost immediately joined the Third Baptist Colored Church.

40. Q. Did you ever officiate at all in the Third Babtist Church, on 4th street, corner of L, in the capacity of "supply," as you style yourself here?

A. No, sir; I did not supply there. I was pastor there, licensed under him.

395 41. Q. To do what?

A. To preach.

42. Q. Did you ever preach in that church?

A. Yes, sir.

43. When?

A. I preached there during the time I was a member *there.*

44. Q. What year?

A. 1864–'5, I think.

45. Q. Were you suspended from preaching during any of that time?

A. I was.

46. Q. What time was that?

A. I do not suppose it was more than two or three months.

47. Q. For what cause?
A. Some difficulty.
48. Q. What was the difficulty?
A. Some difficulty originating with myself, and so I had to stop for some time until the church gave me further admission.
49. Q. When you speak of the "church," do you mean the congregation worshipping there?
396 A. The people.
50. Q. Was it a difficulty with you or with some one else?
A. My own affairs.
51. Q. Was it not a public affair?
A. I decline to answer that.
52. Q. Who was it that helped you out of that difficulty?
A. You were one.
53. Q. Did Brother Bouldin help you?
A. He was another.
54. Q. When did you quit that congregation?
A. I do not know, sir; I think it was in June some time, last year.
55. Q. How many of you withdrew about this time?
A. I cannot remember how many exactly.
56. Q. And for what cause?
A. The reason I came away was because the meeting-house was closed against me.
57. Q. Do you mean to say that you were prevented from worshipping in that house?
A. Yes, sir; by the doors being locked up.
58. Q. How long were they locked up?
397 A. I recollect they were locked up twice.
59. Q. Who first locked them up?
A. I do not know who first locked them up.
60. Q. Didn't you assist others in taking possession of the church and locking Brother Bouldin and his people out?
A. No, sir.
61. Q. Do you know who did?
[A.] No, sir.
62. Q. You have no recollection of that?
A. I do not know who did; I was not present when the matters were taking place?
63. Q. Where were you then?
A. I was in Washington.
64. Q. Then you do not know anything about the place being locked up?
A. I heard of it.
65. Q. Don't you know that a party who wished to dispossess him, and those who adhered to him in the church, had locked the doors, and that they were finally opened by other people?
A. No, sir.
398 66. Q. You are a member of that church, and never heard of that?
A. Yes, sir; and never heard of that.
67. Q. Did you attend there generally?
A. Yes, sir; almost every Sunday I would be there once a day, but did not hear there was a party who wanted to dispossess him.
Q. Didn't you hear that they actually did dispossess him?
A. No, sir; I thought if they did do that as a party they would be wrong.

Q. Don't you know he repossessed himself of the church by getting a locksmith and getting in?

A. No, sir; I heard of it, but I do not know whether it was so or not.

Q. You say you were at the Philadelphia convention of the Baptist church?

A. Yes, sir.

Q. In what capacity were you there?

A. I was sent there as a delegate from the church.

Q. What church?

A. Third Baptist Church.

Q. Where does it meet?

399 A. 9th street.

Q. Then I understand you to say you were not a delegate from the 4th street church?

A. I was a delegate from the Third Baptist Church. The Third Baptist Church then didn't worship on 9th street.

Q. I want you to answer the question whether you were sent as a delegate from the people who worshipped on the corner of 4th & L.

A. I was not.

Q. In what capacity were you sent there? As a delegate?

A. Yes, sir.

Q. How many of you were there?

A. Brother Alexander and myself.

Q. Were you allowed a seat in that convention?

A. No, sir.

Q. Why, not?

A. They would not admit either of us in the association.

Q. What was the reason they would not admit either of you?

400 A. They found the testimony on both sides so conflicting that they had not time to go into the matter, and, therefore, would not let either of us take a seat.

Q. You have presented us with a paper here. Do you state that that is a transcript of the minutes of that convention?

A. That is one part of it.

Re-direct by Mr. Wilson:

Q. Do you mean to say that you withdrew from the Third Baptist Church at any time in June last year?

A. No, sir.

Q. Or that any other party withdrew with you?

A. No, sir.

Q. Do you or not—that is, the party who worshipped at 9th street—claim to be the Third Baptist Colored Church?

A. Yes, sir; we do.

Q. And there are certain other parties, of which Bouldin is one, who worship at the corner of 4th & L streets?

401 A. Yes, sir.

Q. And they also claim to be the Third Baptist Colored Church?

A. Yes, sir.

Q. And that is what you mean when the question and answer are put with regard to withdrawing?

A. Yes, sir.

Q. This copy of the minutes that you have submitted here is only a portion of the minutes, I understand?

A. Yes, sir; that is all?

Q. And as such was given you by the clerk of the association?

A. Yes, sir.
Q. And he gave you no more than that?
A. No, sir.
Q. Can you explain the reason why he gave you no more than that?
A. No, sir.
Q. Does not that contain all you understood took place in that association?
A. That is all.
(Mr. Norris objects.)
402 Q. Do you know of anything else that took place other than what is set forth in that copy with reference to the Third Baptist Church?
A. No, sir.
Q. When you speak of this suspension from your ministrations in the Third Baptist Church, and your restoration, was that restoration by the action of the church?
A. Yes, sir.

W'M B. JEFFERSON.

Sworn & subscribed to before me this 22d day of June, 1868.
JA'S O. CLEPHANE,
Examiner in Chancery.

403 Witness RICHARD BURLEY recalled for purposes of cross-examination.

Cross-examined by Mr. Norris, of counsel for def't:

1. Q. When did you state that you joined the Third Baptist Church?
A. In 1865, I think.
2. Q. What time in the year?
A. I do not know exactly.
3. Q. When were you last at the church on 4th street to worship?
A. Sunday before last.
4. Q. You say in your examination-in-chief that you had not been there for about a year?
A. I am not a member of that church; I simply attended there.
5. Q. Didn't you state in your examination-in-chief that you had not been there for about a year?
A. No, sir.
6. Q. I will read:
404 (Mr. Norris then read as follows from the witnesses examination-in-chief:
"Q. Were you at the Third Baptist Colored Church in this city a year ago, on the occasion of the doors being opened by some parties?")
Do you recollect that?
A. I recollect being there, but I do not know what time it was.
7. Q. Didn't you say "yes" to that?
A. Yes, sir.
8. Q. Had you been there within the past year untill a week or two ago?
A. I do not know what time it was.
9. Q. Have you been in the habit of worshipping at the corner of 4th & L streets within the last year?
A. I used to worship there when the congregation did.
Q. I say within the last year?
A. No, sir.

Q. Where have you been worshipping?
A. On 9th street.
Q. Did you quit that congregation?
405 A. No, sir.
Q. Why did you leave and go on 9th street?
A. I am with the congregation there; they left because they were driven out.
Q. Who drove them out?
A. Mr. Bouldin, and the watchmen, and rowdies.
Q. I suppose you do not know anything about the trustees of that church, do you?
A. I know the names.
Q. What were the names of the trustees when you were there?
A. Joseph Alexander, John Middleton, & Willis Minor.
Q. Do you know Manson Robertson & Edward Dickson?
A. Yes, sir; not as trustees though.
Q. Do they claim to be trustees?
A. I believe they say so.
Q. How many of you left there at that time and went over to 9th street?
A. I do not know; the congregation left.
Q. Did you all agree among yourselves that you would withdraw?
406 A. We had no agreement about it. We were driven out and obliged to go.
Q. You had some concert; talked about where you would go?
A. When we were put out we agreed to go on 9th street in the school-house.
Q. And you agreed that you would worship there?
A. Yes, sir; for the present.
Q. Did you leave Bouldin's ministry?
A. We worship there until we can do better.
Q. Who advised that course?
A. I do not know of anybody advising it. We had deacons to point out the place for members.
Q. Who were the deacons?
A. I do not know the names of all the deacons now. I remember of Joseph Alexander, John Middleton, Silas Holmes, and Brother Robertson.
Q. And they advised that course, and selected a place for you?
A. Yes, sir.
Q. What was the occasion of the doors being locked?
407 A. I do not know anything about the doors being locked. I was there when they were opened; when the old locks were taken off and new ones put on.
Q. Who did that?
A. A white man; a locksmith. I do not know his name. William Robinson was there and Edward Dickson.
Q. Those doors were twice locked, were they not?
A. I understand they were. The first time I was not there.
Q. You do not know who locked Bouldin and his adherents out, do you?
A. No, sir.
Q. You were there though when the locksmith opened the door and let Mr. Bouldin in, were you not?
A. I was.

Q. And he and his party who worship with him have held possession every since?
A. They have.
Q. Do you know when that was?
A. I do not. It was some time during last summer, but I do not know what month.
408 Q. Are you simply a member over there, or do you hold any official position?
A. Simply a member.

By Mr. Wilson:

Q. There was a difficulty in that church before you left, and the party that you were with went over to 9th street?
A. Yes, sir.
Q. Was not that the reason of your leaving?
A. It was.
Q. Was it not because Mr. Bouldin took and held possession of the church, and would not let the trustees have possession of it?
A. That was the difficulty.

By Mr. Norris:

Q. Had you any difficulty with the church?
A. I had no difficulty with the church.
Q. Were not you expelled?
A. I do not know, sir, whether I was or not. I heard them say I was expelled. I was not expelled from the church in the way I know it ought to be done.

409 By Mr. Wilson:

Q. You never knew of your being expelled?
A. No, sir. I heard talk of it in the street. I was never called before the church.
Q. Nor dealt with?
A. No, sir.
Q. Nor any notice served on you that you had been expelled?
A. No, sir.
Q. Nor any charges ever submitted to you?
A. No, sir.
Q. When is this expulsion said to have taken place?
A. I heard of it some time last summer. I do not know what month.
Q. By which party were you said to have been expelled?
A. By Bouldin and his party.
Q. Were you ever expelled by the other party, that you know of?
A. No, sir.
410 Q. Were you ever expelled by the church before these two parties were made?
A. Never.
Q. Then, if you have been expelled, it has been by Bouldin and his party since the division?
A. Yes, sir.

By Mr. Norris:

Q. I will ask you to state whether there was not a charge brought against you of immorality with a female?
A. No, sir.

By Mr. Wilson:

Q. That is, you never were expelled unless it was by Bouldin's party,

and there were no charges ever made of which you had notice, or any trial at which you were present?

A. No, sir.

RICHARD A. BURLEY.

Sworn & subscribed to before me this 22nd day of June, 1868.

JA'S O. CLEPHANE,
Examiner in Chancery.

411 Witness JOHN MIDDLETON recalled for purposes of cross-examination.

Cross-examined by John E. Norris, esq., of counsel for def't:

1. Q. In what year did you join the Third Colored Baptist Church in Washington?

A. I think in 1864.

2. Q. Were you a trustee of the church?

A. Yes, sir. I came to be a trustee after I joined the church.

3. Q. Were you a trustee from that time down?

A. Yes, sir; I continued to be a trustee until the fuss commenced, when Mr. Bouldin told me I was such no longer.

4. Q. About what year was that?

A. That was in 1867, I think.

5. Q. Had you any difficulty with the church before this fuss commenced?

412 A. No, sir.

6. Q. Had you ever been removed from the trusteeship?

A. No, sir; nobody had removed me. Mr. Bouldin told me that two more trustees in the board had been elected, but he said I was still a trustee, and he knew no better until the fuss commenced. It arose in this way: The deacons of the church, of whom I was one, on one Wednesday night, previous to this trouble, had a meeting—a preparatory meeting. It is our custom, on the Friday night before sacrament, to lay the proceedings before the church. On the occasion of the church meeting Brother Bouldin said that we had better be talking about raising means to pay for the church, and not spend our time in abusing him. At that same meeting, in reply to an inquiry put to him, he said that if we did raise money enough to pay for the church, he intended to stay there; that he had labored for the church, and intended to
413 stay there his whole lifetime. It was Brother Robinson who put the question to him. He said he was hurt to the heart by it, and accused us of speaking against him at the deacon meeting. I said, "No, indeed, Brother Bouldin, we did not do anything of the kind." I went three times and talked to him about the matter. He finally said he believed I told the truth. Brother Robinson asked his pardon for the question he had asked, but he refused to grant it. Then there came a heavy burden upon us, and he called a meeting for the Monday night following. We met, but could not decide at that time, so we put it off until Thursday night. On Thusday night Brother Bouldin opened the doors, so that everybody might hear what was going on. This we did not like; we did not think it was right. He spoke up and said he did'nt care who heard. I said, "Brother Bouldin, do you think it right to open the doors, and call in all the world to hear church matters?" He replied that, as far as he was concerned, he did not care who heard; but
414 that if we chose we might shut the doors. We did shut them, and then went into the consideration of church matters. Brother

Bouldin then repeated what he had said about our having abused him in deacon meeting. I asked him if I had not told him nothing of the kind was said. He said he was going to have all the church matters settled that night. I said, "Brother Bouldin, we cannot do that to-night; we are in too much confusion; put it off for another night." Shortly after that the meeting adjourned, and we came out. After we got out, he and some of his followers dropped back and held a meeting, at which they afterwards said they turned out forty members. That, of course, created great confusion in the church.

7. Q. That is the way your trouble arose?

A. Yes, sir.

8. Q. What followed this trouble? Did a portion of the congregation leave then, or shortly afterwards?

A. I could not say they left.

9. Q. A portion did not worship there?

415 A. No; because they could not.

10. Q. When this difficulty occurred, you could not worship there any longer, could you?

A. We went there to worship one Sunday after this occurred, but we found the doors locked, and could not get in.

11. Q. Did you worship there after that?

A. Yes, sir; we did worship there after that, because after that we had the keys.

12. Q. You did not keep it long?

A. No, sir.

13. Q. Where do you and your friends worship now?

A. On 9th street.

14. Q. Why don't you go to Bouldin's church and worship there?

A. Because I have asked him several times to come up and see me, or set a time when I could call upon him, and agree with him about the case. I do not myself feel like going back after being turned out of doors, and his saying that I was excluded from the church. I asked him to come up so that we might all get together, and see if we could not civilize one another; but he has never done it.

416 15. Q. Do you recollect signing that note, dated 1862?

A. I could not have signed it, if it is dated 1862.

16. Q. Do you know H. C. Cooper?

A. I do not, at this time, recollect anything about him.

17. Q. Did you ever sign any notes for Mr. Bouldin?

A. I signed notes on the land.

18. Q. Was the difficulty of which you have spoken all that caused you folks to seperate?

A. Yes, sir; that was the principal thing that led to it.

19. Q. Because Mr. Bouldin thought that he ought to preach there all the time, and you thought you ought to have the privilege of calling a new preacher if you saw fit?

A. No, sir; I did not say that. I said the difficulty arose from the question put by Mr. Robinson in regard to that point.

20. Q. I will ask you to state whether there was not something else; whether there were not some members dismissed by Mr. Bouldin for immoral conduct.

417 (Mr. Wilson objected to the question for the reason that, if such was the case, there is undoubtedly a record of such, which would be the best evidence.)

A. There might have been several dismissed; but, if there was, I did not know it.

21. Q. Did not Mr. Bouldin severely reprove some of his members, both male and female, for what he considered improper conduct, and thus give offence to some members of the congregation?

A. No, sir; I am not aware of anything of the kind.

22. Q. Was not Louisa Scott turned out about the 7th of June for criminal conduct? Did not Mr. Bouldin move to dismiss her for having a child while unmarried?

A. Not as I know of.

23. Q. When you joined this church, in 1864, how many members had it?

A. I could not tell exactly; right smart of a congregation, however, and it was coming up right lively.

24. Q. Who was the minister at that time?

418 A. Br. Bouldin.

Q. Did he continue so until you went out?

A. Yes, sir.

Q. Do you recollect anything about Oscar Robinson moving to ordain three deacons?

A. I do not. I recollect, however, of Brother Robinson saying that they ought to have three deacons ordained; but he did not move to ordain them.

By Mr. Wilson:

Q. I will ask you whether this difficulty did not arise principally from the money matters of the church, and Bouldin refusal to account for the money that had been received, and make settlement?

A. It arose from that. When we wanted to understand about the money matters at that time, he said he built the church; that it was not built like other churches, but out of his own means; that it was on the books that he was to serve during his lifetime. That brought on a great deal of confusion in the church.

419 Q. From that was there not various lawsuits commenced by him against the trustees, and against other members of the church?

A. No, sir; I never knew of any lawsuit against the church. I know that Brother Lee was put in the watch-house or jail. That is all I know about it.

Q. Don't you know of a lawsuit being commenced by him, and some others against you, as one of the trustees, to be tried before Squire Walter, for forcible entry and detainer?

A. Yes, sir; I know that he went before Squire Walter complaining that we were not the trustees.

Q. State whether or not at the time you held possession of the church, after the fuss broke out, you held it by virtue of the action of the trustees or not?

A. Well, we held by the action of the trustees, according to what Mr. Bouldin put before us.

Q. When Bouldin held it in opposition to the trustees, was it with any consent or willingness on the part of the trustees?

A. No, sir.

420 Q. And it was because he would not give it up that you were compelled to go off and worship somewhere else?

A. Yes, sir.

By Mr. Norris:

Q. Did not the party in the church there claiming to be trustees them-

selves take forcible possession of it, and close it against Mr. Bouldin, before he did anything?

A. No, sir.

Q. You knew he came in afterwards?

A. No, sir.

Q. Didn't they lock the church up?

A. The Sunday that we went there Mr. Bouldin was down in the basement. When I got to the church I asked what they were doing with one party up-stairs and the other down in the basement. They said Mr. Bouldin was to preach down in the basement. At that time some policemen came round there. After talking with them awhile, the police said to us, "If you are all confused and can't get along,
421 you had all better come away until the thing is decided." We came out from the up-stairs, and at the same time Mr. Bouldin and the others came out from the basement and locked the doors. He neither locked us out, nor we him.

Q. Who was it that locked him out, and compelled him to apply to Squire Walter for a writ of forcible entry and detainer?

A. I never heard of that before; I was not here.

By Mr. Wilson:

Q. I will ask whether you, as one of the trustees, did not understand that the trustees were entitled to hold possession of the church and of the keys of the church?

A. Yes, sir; Mr. Bouldin told me that the trustees were the men to see to the church, keep the keys, &c.

his
JOHN + MIDDLETON.
mark.

Witness: JA'S O. CLEPHANE.

422 Sworn & subscribed to before me this 22d day of June, 1868.

JA'S O. CLEPHANE,
Examiner in Chancery.

Adjourned to meet on Thursday, June 25, at Thomas Wilson's law office, No. 2 4½ street, at 5 o'clock p. m.

JA'S O. CLEPHANE, *Examiner.*

1868, JUNE 25TH.—Meet pursuant to adjournment. Owing to the absence of witnesses summoned, adjourned to meet Monday, June 29th, 1868, at Thomas Wilson's law office, No. 2 4½ street, at 5 o'clock p. m.

JA'S O. CLEPHANE, *Examiner.*

423 1868, JUNE 29TH.—Met pursuant to adjournment. Present, counsel on either side. Owing to absence of witnesses who had been summoned, adjourned till Tuesday, July 7th, 1868, at the law office of Mr. Thomas Wilson, No. 2 4½ street, at 5 o'clock p. m.

JA'S O. CLEPHANE, *Examiner.*

1868, JULY 7TH.—Met pursuant to adjournment. Present, counsel for complainant and several witnesses. Owing to the indisposition of Mr. Norris, of counsel for defendant, adjourned to Tuesday, July 9th, 1868, at the law office of Mr. Thomas Wilson, No. 2 4½ street, at 5 o'clock.

JA'S O. CLEPHANE, *Examiner.*

424 1868, JULY 9TH.—Met pursuant to adjournment. Present, Mr. Wilson, of counsel for complainant, and several witnesses. Owing to the continued indisposition of Mr. Norris, of counsel for defendant, adjourned till Saturday, July 11th, 1868, at the law office of Mr. Thomas Wilson, No. 2 4½ street, at 4 o'clock p. m.

JAMES O. CLEPHANE, *Examiner.*

1868, JULY 11TH.—No meeting, owing to the examiner being absent from the city.

JA'S O. CLEPHANE, *Examiner.*

1868, AUGUST 5TH.—Commission met. Present, Mesrs. Wilson and Brown, of counsel for complainant, the defendant Albert Bouldin, and two or three witnesses. Mr. Wilson, of counsel for complainants, announced that they had in writing notified counsel for defendant that they had closed their testimony in chief, but having received no
425 notice of the intention of counsel for defendants to proceed at this time to take their testimony, declined taking part in the proceedings and withdrew. Messrs. Norris & Terry, of counsel for defendant, subsequently appeared, when, in consequence of their neglect to serve notice on the complainants, an adjournment till Monday, August 10th, at criminal court-room, was agreed upon.

JA'S O. CLEPHANE, *Examiner.*

426 *Deposition of Charles Walter for complainant.*

Examined by Thomas Wilson, esq., of counsel for compl't:

1. Q. What is your position?

A. I am justice of the peace.

2. Q. State whether or not you have any proceedings in the case of Bouldin et al. vs. Alexander et al.

A. Yes, sir.

3. Q. Is this paper (Ex. "M," "J. O. C.") a correct transcript of the record in the case?

A. It is. I have compared it with the original in my possession, and find them to be exactly alike.

(Mr. Wilson then offered the paper in evidence, and it was marked Ex. "M," "J. O. C."

Counsel for defendant inquires the object for which it is introduced, and the counsel for the plaintiff refuses to have the ground placed upon the record.

Counsel for the defendants then object on the ground that the paper is irrelevant to the issue raised in this case, and that, being a copy,
427 it is not primary evidence. They object further on the ground of it being cumulative proof.)

4. Q. Look at these two papers, (Exibits, "N" and "O," "J. O. C.,") and state what they are.

A. They are true copies of two warrants, the originals of which are in my possession.

(The papers were then offered in evidence by Mr. Wilson, and marked Exhibits "N" & "O," "J. O. C."

Counsel for the defendants objects on the ground of the proof being irrelevant.)

CHARLES WALTER.

Sworn & subscribed to before me this 19th day of September, '68.

JA'S O. CLEPHANE, *Examiner.*

428 1868, SEPTEMBER 17TH.—Met pursuant to *as* adjournment. Present, Messrs. Brown & Wilson, counsel for complainants, & Mr. Terry, counsel for defendants. Mr. Terry, on the part of the defendants, states that they had only one other witness that they desired to examine, viz, William B. Jefferson, who was sick at the present time; and, with that exception, they would now rest their case, with the understanding that the defendants should have the privilidge of examining Mr. Jefferson whenever he should be able to attend. The complainants proceeded with their rebutting evidence as follows:

Deposition of George W. Parker for complainants.

Examined by Thomas Wilson, esq., of counsel for complainants:

1. Q. State where you reside.
A. Alexandria, Virginia.
2. Q. I what business are you engaged?
A. I am minister in charge of the Baptist Church there.
429 3. Q. How long have you been a minister of the Baptist Church?
A. About six years.
Q. Where have you been a minister during that time?
A. A portion of the time in Baltimore; part of the time in Alexandria.
5. Q. Were you called as one of the ministers of the Baptist church to attend a counsel to be held in this city in June or July, 1867, on behalf of the Third Baptist Church of this city?
A. I don't remember the month, but I was called to attend such council.
6. Q. Did you suit them?
A. I did.
7. Q. Where did you first meet?
A. At the meeting-house of the 3d Baptist Church, cor. 4th & L.
8. What did you do in church?
A. We did nothing then. We were prevented by Brother Bouldin from getting in. A committee waited upon him, but he refused to give them permission to enter. I was not one of the committee, but I
430 stood on the corner at the time the committee waited upon him.
9. Q. How many ministers were there at the time?
A. I think about six or eight.
10. Q. After he refused to permit you to enter, where did you with the others then go?
A. Down to the 2nd Baptist Church, where the council was first organized. A moderator was first appointed, & also a clerk.
11. Q. Did you proceed to do any business there?
A. We did not until after we had appointed a committee to wait on Mr. Bouldin, and request him to meet with us, and bring with him his books and papers.
12. Q. Did the balance of the council remain while the committee were performing that duty?
A. Yes, sir.
13. Q. Were you a member of that committee?
A. No, sir.
14. Q. Did the committee make a report?
A. Yes, sir.
15. Q. After that report was made what was done by the council?

431 (By Mr. Terry. Did this clerk keep the proceedings of the council?

A. I think he did.

Mr. Terry objected to the evidence proposed to be given on the ground that the record of the clerk is the best evidence of the proceedings; and for the further reason that the testimony on this subject had been given by the complainants when giving their testimony-in-chief.)

A. The council received an answer from Mr. Bouldin, stating that he did not intend to meet with them. This was the report made by the committee. He refused to meet unless half of the council, at least, was composed of whites.

Q. Where did the council go, or did they do anything more at the Second Babtist Church?

A. There is just the trouble in my mind, whether that council or a subsequent one went round to his church. However, I can tell
432 you about the action council. He refused to meet with us, but stated that if we would come round to his church he would open his doors and receive us. The council adjourned to his church. When we got in he received us very kindly. He invited us to seats, when a statement was made of the object of our coming round. The council was reorganized then, and he was requested to turn over the books of the church to the council. He then turned them over to me. I was one of the committee appointed to receive the books. I was chairman.

Q. What was this committee for?

A. To investigate the condition of the church property, which seemed to have given rise to the difficulty which then existed.

Q. What was done with the books?

A. We returned to the basement and examined them.

Q. Did Mr. Bouldin go with you?

A. He did. We looked over the books, but the writing was so terribly bad we could make nothing out of them. He then presented
433 a number of notes he held against the church, to the amount of from $2,600 to $3,000. He stated to the committee was all that he held against the church.

Q. Do you mean all the notes or all the debt?

A. All the debt he held against the church. We were very particular on that point as to whether the church owed him anything more. After making this thorough examination we returned to the upper room and made a statement of the condition of things.

Q. Who had possession of the books at that time?

A. I had.

Q. What was done with them?

A. They were turned over to the rightful clerk of the ; that is, one who was clerk of the church before the difficulty occurred. His name was James H. Lee. He was present and received the books.

Q. Was or not any of those books taken away from Mr. Bouldin, or any of the others, violently?

(Objected to by Mr. Terry.)

A. No, sir. After we reported the action of the committee the
434 council directed the books had better be turned over to the proper clerk of the church, and there was no objection, to my knowledge, made to it. I passed the books over to the clerk. I think Mr. Bouldin's son-in-law took hold of one of the books & held on to it for a few moments. We simply talked the matter over quietly, and he returned the book, when I passed it over to the clerk, Lee.

Q. Did any one at all lay hands upon the book to take it away from Robinson, his son-in-law?

A. No, sir.

Q. Did Mr. Bouldin make any objections to the books being turned over to Lee?

A. He did, I think, make some little objection, but soon waived it. His objection seemed to be to one book being turned over to me, on the ground that it was his own personal property.

Q. Was there any objection made to turning over the other books?

A. I think not.

Q. Did Mr. Bouldin suggest any other person than Lee, as clerk of the church, to whom these books should be returned?

A. Not to my knowledge.

435 Q. Who was the moderator of that council?

A. Rev. D. W. Anderson.

Q. Will you give us the names of as many as you can who composed part of that council?

A. D. W. Anderson, S. W. Madden, W. J. Walker, Sandy Alexander, Leland Warren, W'm H. Lee, & Mr. Wright. I cannot think of any more at present.

Q. Have you any book which is a recognized authority among the Baptist churches for discipline and church government?

A. Yes, sir. This is it. (Book marked Ex. "L," J. O. C.) It is a Baptist Church Directory, by Rev. Edwin T. Hitchcock.

(Objected to by Mr. Terry.)

Q. Is it in accordance with the Babtist church government for the pastor to be moderator of the church meetings or not?

(Objected to by Mr. Terry on the ground of being cumulative, and because the book (Ex. "L," J. O. C.) introduced by the complainant, and sworn to by the witness as containing the discipline of the church, is the best evidence.)

436 A. Yes, sir; it is in accordance with the Babtist church.

Q. Does he occupy any other position by virtue of his position as pastor?

A. Not outside of his spiritual work.

Q. Simply by virtue of his being pastor, does he hold any other office in the government of temporal affairs?

A. It is not generally the custom.

Q. Did you ever hear or know of a Babtist minister, by virtue of his position, acting for years as clerk and trustee?

A. I do not know as I have.

Cross-examination by Mr. Terry, of counsel for defendant:

1. Q. Did you ever know, in the Baptist church, of a pastor being a trustee?

A. I do not know that I have.

2. Q. Is there anything in the discipline of the church or its rules that forbids them?

A. No, sir; not that I know of.

437 3. Q. Did you ever know a pastor of a church to act also as the clerk of a church?

A. In cases of nescesity, I have.

4. Q. You know nothing of his being so against the recognized discipline of the church?

A. No, sir. The discipline rather admonishes us not to have anything to with the temporal affairs of the church.

5. Q. Can you tell me of any instance where it has been held that it was improper for the pastor of a Baptist church, who had himself bought the lot and constructed the building, to be trustee? I refer to the case where a person is the real owner of the property.

A. I do not know as an instance of that kind has ever come under my observation.

6. Q. You stated in the outset that you were a member of this council; how was that council called together?

A. It was called by a written invitation signed by the clerk, James H. Lee. The notice stated that there was some difficulty existing between the pastor and the church, and requested me to meet as a
438 member of a council to be held at such time and place.

7. Q. Was it because of that notice that you say the council was called on behalf of the Third Baptist Church?

A. Yes, sir.

8. Q. Did you know at that time that James H. Lee had been turned out of the church?

A. No, sir.

9. Q. Did you know that at that time several of the former members of that church had been turned out?

A. I did not.

10. Q. Where is the notice that you received?

A. It is lost, I presume.

11. Q. Did it state what the difficulty was?

A. It did not.

12. Q. You state that the Rev. Mr. Anderson was the moderator of that council?

A. Yes, sir.

13. Q. And when you say that Mr. Bouldin prevented you and the council from going into his church on the occasion of the first meeting, you mean by that that you applied to him for the use of the
439 church, and that he refused to grant it?

A. Yes, sir.

14. Q. But that afterwards he consented?

A. I stated at first that he did not, but the other bretheren did.

15. Q. Did you yourself hear Brother Bouldin refuse?

A. No. sir.

16. Q. Then you do not know of your own knowledge that he did refuse?

A. No, sir.

17. Q. The direction was that these church books should be given over to Lee?

A. Yes, sir.

18. Q. You speak of the clerk of the church; are you willing now to swear that at that period of time Lee was a legally elected clerk of that church?

(Objected to by Mr. Wilson.)

A. I am not willing to swear to that.

19. Q. Then I may assume that the council directed the books to be given to Lee because they supposed him to be the lawful clerk of the church?

440 A. Yes, sir.

20. Q. Do you remember among those books two of what may be called sheepskin leather covered books, about seven inches long and three or four inches wide?

A. I remember, I think, two short books.

21. Q. Were they handed over by Mr. Bouldin to the council?
A. I think every book was handed over by Mr. Bouldin.
22. Q. Are you quite positive that Mr. Bouldin handed these two books?
A. I know he had them, and I know that what he had he handed over.
23. Q. You cannot be mistaken about that, you think?
A. I think not; the books were all in a pile and he handed them over to me.
24. Q. Did you hear anything said, either by Mr. Bouldin or any friends of his, to the effect that two of those books were his own personal private property, and had been taken sereptitiously from under the table where he had placed them?
A. I had not heard that two of them were. When the books
441 were turned over to Mr. Lee, I think Mr. Bouldin said one of those books was his individual property.
25. Q. You have stated that the difficulty in that church grew out of some difficulty about the property?
A. Supposed to be so.
26. Q. Where did you get the information that that was the cause of the difficulty in that church?
A. It was mentioned, I think, by members of the church at the council.
27. Q. Please state one of the members of the church who so stated.
A. Joseph Alexander and Joseph Pryor, who were two; I do not know as I can mention others now.
28. Q. Were not Alexander and Pryor both of the seceding party, who went off to worship on 9th street?
A. They had not gone off at that time.
29. Q. What time was this council held when you took this action?
A. I think it was about July or August, 1867.
30. Q. And these parties, Pryor and Alexander, continued up to that time worshiping at the church corner of 4th and L?
442 A. I think they had.
31. Q. These books were handed over to Lee, and then the council broke up?
A. Yes, sir; after admonishing the church and Mr. Bouldin.
32. Q. About how many male members of what you call the church were present at that council?
A. I think there was about one hundred and fifty, (150.)
33. Q. Was it not said by everybody in that council, in your hearing, that the first trouble in that church was by Alexander having carnal intercourse with one Mary Ann Shephardson, and having a child by her when she was not his wife?
A. Not in the council. I think I heard Mr. Bouldin say so.
34. Q. Nobody else?
A. I think not.
35. Q. Did not Mr. Bouldin, when he said that, state that was the cause of the difficulty?
A. I think he did so state to me personally.
36. Q. Was it not stated to you there that both she and Alexander had been turned out of church for that reason?
443 A. The rules of that church do not tolerate such a case as that. I answer no, sir.
37. Q. Then, in conclusion, if I understand you, all that the council

did was to turn over the books to the supposed clerk, Lee, and to admonish the church and pastor against any future difficulties?

A. Yes, sir; and I may say there was no ill feeling in the council until after the admonition. Brother Bouldin seemed to become somewhat excited when we reached the point in the admonition, stating that if the church was not satisfied with him they could give him three months' notice to leave, according to Baptist usage; and if he was not satisfied with the church that he could give them the same notice.

Re-direct by Mr. Wilson:

38. Q. Who administered this admonition, and by what authority?

(Objected to by Mr. Terry.)

A. It was by the direction of the council.

39. Q. You say that the meeting of the council was a harmo-
444 nious one. I will ask you whether any temper or anger was displayed by Mr. Bouldin at the time you gave the information to him, that upon three months' notice, in accordance with the Babtist discipline, the church could disolve its connections with him.

(Objected to by Mr. Terry.)

A. Yes, sir, he showed a very bad temper.

40 Q. Did he not refuse, in the presence of the council, to be so notified?

(Objected to by Mr. Terry.)

A. I do not remember his words.

41. Q. Can you state in substance what they were?

A. He seemed to speak as if he and the church had been very much injured; that it was putting something in the heads of the people that they did not know before.

By Mr. Terry:

42. Q. When you gave that information, how did you state that the church should give him notice?

A. Either by verbal or written notice.

43. Q. Who should sign it?

A. It should be a notice drawn up by the clerk of the church
445 and signed by him, after having been so instructed by a majority of the church.

446 *Deposition of Duke W. Anderson for complainant.*

Examined by Mr. Wilson, of counsel for complainant:

1. Q. What is your occupation?

A. A minister of the gospel; Nineteenth-street Baptist Church.

2. Q. How long have you been a minister in the Babtist church?

A. Twenty-two years the twelfth of April last.

3. Q. Where have you officiated?

A. In Alton I commenced, and in a church seven miles from there; also in Quincy, Illinois; Buffalo, New York; Detroit, Mich.; Chatham, Canada West; and Washington City.

4. Q. How long have you been in Washington City?

A. Three years the 28th of April last, I believe.

5. Q. Were you a member of the council testified to by Mr. Parker?

A. I was.

6. Q. Were you or not a member of the councils which have been called on behalf of the Third Baptist Church?

447 A. I think I was; at least, two or three.

7. Q. Did you attend the councils called at the Third Baptist Church in which there was a refusal to allow the council to occupy the church?

A. Yes, sir.

8. Q. Who refused?

A. Br. Bouldin.

9. Q. Did you make any request of him yourself?

A. I did in person, and he said that the church objected to our *to our* having the priveledge of meeting in the house.

10. Q. And you did not meet there on that occasion?

A. No, sir.

11. Q. Did you afterwards meet in the church?

A. Yes, sir.

12. Q. Was it another council, or another session of the same council?

A. Another session of the same council. We adjourned after going to the Second Baptist Church. The day after we organized there we sent back a committee to notify Mr. Bouldin to appear with the books and papers to show cause for his being wrongfully adjudged
448 by his bretheren. He refused to come, and we adjourned to meet, I think, that day week.

13. Q. To meet where?

A. At the same place of worship. I was one of the committee that called on Mr. Bouldin, and he handed us the books and papers. He informed us that he would not meet with us at the Second Baptist Church, and that we could meet at his house. The next Wednesday following, I think it was, we sent word that we would meet him at his house, and that we would expect him to be there with his books and papers, to show his innocence. We did see him. There were several hundred people present. When we went in, we found him singing very happily. I asked him in a jocular way to get up and make us a speech of welcome, and he undertook to do so. He did the best he could. The old man exhibited some little feeling, and he did not make us very welcome, but we managed to have a very plesant meeting.

14. Q. Did you organize in that church?

449 A. Yes, ser; that is, we were organized, and went in with our organization to take our seats as we were organized in the Second Baptist Church.

15. Q. At that time did you make any request for the books belonging to the church?

A. Yes, sir.

16. Q. What was done with regard to them?

(Objected to by Mr. Terry on the ground of being cumulative.)

A. The books were asked for by myself. I asked him to hand over the books, and let them be examined, and he agreed to it. We then organized a committee. I am not positive whether I, as chairman, was called upon to nominate a committee to examine the books or how the committee was appointed. That committee, however, was organized, Brother Parker being chairman of it. I then asked Brother Bouldin to hand over the books, and he did so, giving them to Brother Parker. They went down into the basement, and there examined them. I was sent for to go down with Bouldin. He came down soon after I
450 did. I do not know whether I was of that committee or not. I rather think I was called upon or substituted for one after the committee was nominated. After I went into the basement, Mr. Bouldin came down and was there almost all the time, and in good temper.

17. Q. What did the committee do?

A. They examined the books and papers as thorough as they could, and then made a report.

18. Q. Who brought the books back?

A. Brother Parker.

19. Q. After that, what was done with the books?

A. Brother Parker handed them to James H. Lee, the church clerk. Lee was said by all concerned to be church clerk. Bouldin stated to me, as chairman of the committee who called on him between the two meetings, that Lee was the church clerk. He was the reorded clerk. His name was signed to the action of the church, and was on all the proceedings of the church from its organization.

20. Q. Did Mr. Bouldin make any objection to Lee taking the church books?

451 A. I do not think he did.

21. Q. Was there any violence used in taking of these books from Mr. Bouldin or in their delivery to Mr. Lee?

A. Not a harsh word or inference. It was his volunteer act, and done at my suggestion. I had suggested to him before that it was for his interest as a minister, and begged him, being friends, that he would present the books and have them examined.

22. Q. At the time of the delivery of the books to Lee, were any quarelsome words made use of by Bouldin or any of the others that were there?

A. No, sir; when his report was made a vote was taken upon it. The church members (probably 200, 150 at least) voted unanimously to adopt the plans of reconciliation proposed by the council. I think it was fourteen who voted against the plan. There was nothing unpleasant passed that I recollect.

23. Q. Did you observe any change come over Mr. Bouldin
452 after the suggestion which has been testified to by Mr. Parker was made?

A. After Brother Parker made the remark refered to, the old man seemed somewhat irritated, as he claimed to be pastor for life.

24. Q. Were you a member of a council that was held several months afterwards?

A. I think I was.

25. Q. Were you a member also of another council that was held this spring?

A. I was present at that one.

26. Q. Have you any book of church discipline recognised as a code of laws for the government of the church in its religious affairs?

A. Yes, sir; we used this code ("Ex. 'L,' J. O. C.") as a governing power, as a guide to assist us in arriving at proper scriptual conclusions, as we have no creed but the New Testament.

27. Q. Is it a regular and generally recognised authority in Baptist churches?

A. Yes, sir; I have never known a church that did not recognise it.

Cross-examination by Mr. Terry, of counsel for defendants:

453 28. Q. You say that when you entered into Mr. Bouldin's church he was singing?

A. Yes, sir; "How shall I forget the Lord?"

29. Q. Was he alone in the church?

A. No, sir; there was several persons there.

30. Q. Do you personally know these people whom you say were attendant on the meeting of the council?

A. No, sir.

31. Q. They were spectators?
A. They came in there as anybody might come in to witness the proceedings of the council. They came in as witnesses, for I asked that question. We referred to the members to state facts and prove facts.
32. Q. Do you know that they were all members of the churches?
A. No, sir.
33. Q. State whether you supposed that your council had a right to settle any legal question to right to property.
A. We were not investigating the rights of property; it was religious rights.
454 34. Q. And the conclusion of your coulcil was an admonition to the church and pastor, that if they could not live in peace together, they had better seperate.
A. Yes, sir.

D. W. ANDERSON.

Sworn and subscribed to before me this 17th day of September.
JA'S O. CLEPHANE, *Examiner.*

455 *Deposition of W. J. Walker for complainant.*

Examined by Mr. Wilson, of counsel for complainant:
1. Q. You are a minister of the gospel?
A. Yes, sir; and have been so about thirteen years.
2. Q. Were you a member of the council spoken of by Mr. Anderson?
A. I was.
3. Q. Were you present when the books of the church were delivered by Mr. Bouldin to the council?
A. Yes, sir.
4. Q. And by the council delivered to Lee?
A. Yes, sir.
5. Q. State whether or not there was any violence made use of in the taking of those books from Mr. Bouldin, or the delivery of them to Lee.
A. None at all.
6. Q. Was Mr. Bouldin willing they should be delivered to Lee?
A. He appeared to be.
7. Q. Did he or not recognize Lee as the church clerk?
456 A. I have no recollection of what he said in reference to Lee as the church clerk, but from what I could gather I judged Lee was recognized by Mr. Bouldin and the church as clerk.
8. Q. Did he suggest any other party as being clerk instead of Lee?
A. Not to my recollection.
9. Q. Do you recoguize that Babtist Directory as being a directory of the Babtist church?
A. Yes, sir.
10. Q. Were you a member of the following councils that were held?
A. Yes, sir.
11. How many?
A. There were three councils, I think.
12. Q. These three councils that you have reference to, were they called by the Third Babtist Church to settle the difficulty between the church and pastor?
A. Yes, sir.
13. Q. How many sessions were there of the first council?
A. It was held in June, I think. That council adjourned to meet

457 in July, at the meeting-house of the Second Baptist Church. I think it was in September that they met in the house of Bouldin.

14. Q. When and where was the second council held?

A. That was held in the Second Babtist Church. There was a second council held way long in October. The one I have spoken of was held in Bouldin's house.

15. Q. Was that before or after the meeting of the Philadelphia Baptist Association?

A. After.

16. Q. Then when and where was there any other held?

A. The only two I know of, before that, were held in the Second Baptist Church.

17. Q. The third and fourth was held probably in that church.

(Mr. Terry desired an objection to be noted to evidence of any other counsel except such as evidence had already been given in regard to.)

18. Q. Do you remember anything in regard to their being a
458 council held up in the Shiloh Baptist Church?

A. Yes, sir; that was held this past spring.

By Mr. Terry:

19. Q. When were you ordained?

A. In 1863, in the 13th-street Baptist Church.

By Mr. Wilson:

20. Q. Was it usual or customary for ministers to act as trustees and clerks?

A. The trustees only acts at the suggestion of the church, whether he be a pastor or not. If the church elects him as trustee, he acts.

21. Q. Was it usual for a church to have a pastor as one of the trustees?

A. I do not know that it has been usual; but I know very well it is done. It is so in my own case, because my church has elected me as trustee.

W'M J. WALKER.

Sworn & subscribed to this 17th day of September, 1868, before me.
JA'S O. CLEPHANE, *Examiner.*

459 1868, SEPTEMBER 18.—Met pursuant to adjournment. Present, Mr. Wilson, of counsel for complainant, and W'm Terry, of counsel for defendants. The examination of witnesses was proceded with as follows:

Deposition of Martin V. Wright for complainant.

Examined by Thomas Wilson, esq., of counsel for complainant:

1. Q. Where do you reside?

A. In this city.

2. Q. What business or occupation have you been engaged in?

A. I am a minister, and have been about ten years.

3. Q. Of what persuasion?

A. Baptist.

4. Q. Were you present at a council that was held in this city in June or July, 1867?

A. I was.

5. Q. Where was it held?
A. At the Second Baptist Church, on Third street.
460 6. Q. Was there a second session of that counsel?
A. Yes, sir.
7. Q. Where was that held?
A. It was organized in the Second Baptist Church, but held in the Third.
8. Q. Were you present at both meetings?
A. I was.
9. Q. Were Brother Anderson and Brother Walker there?
A. Yes, sir.
10. Q. Did you hear the testimony given by Brother Anderson?
A. Yes, sir.
11. Q. State whether what he stated as having taken place at the meeting of the council was in the main correct.
A. Yes, sir.
12. Q. Have you any additions or alterations to make to his testimony?
A. None.
13. Q. Do you know anything as to what took place in the vestry-room?
A. I do not.
14. Q. State whether any force was made use of, either in the
461 taking away of the books from Mr. Bouldin or in the delivery of them to Mr. Lee.
A. None at all.
15. Q. Were you one of another council that was held afterwards with regard to the settlement of the same matters—the troubles in this 3rd Babtist Church?
A. Yes, sir.
(Objected to by Mr. Terry.)
16. Q. In what capacity did you act, if any?
A. As clerk.
17. Q. Have you any records of the proceedings of that council?
A. I have.
18. Q. State whether this (Ex. "G," J. O. C.) is a copy of the proceedings?
A. Yes, sir; and written by myself.
19. Q. What are those two papers on the outside?
A. One is a request made by Dr. Sampson et al. that the council be called to settle these difficulties. The other is the report of the
462 committee appointed. The balance of the paper is a report of the proceedings.

Cross-examination by Mr. Terry, of counsel for defendant:

20. Q. Were you ever ordained?
A. I was, in the spring of 1865, in Rose Co., Ohio.
21. Q. Is that a colored church?
A. No, sir.
22. Q. Were you a member of this council of which you speak?
A. I was.
23. Q. Were you presiding over any church then?
A. No, sir.
24. Q. Are you a member of any church in Washington?
A. I am not. I am still a member of the church to which I was attached when in Ohio.

25. Q. What have you been doing here?

A. For two years I was a missionary under the Baptist Association, called the Free Mission Society. I have also held various positions under the Freedman's Bureau. I was ordained just before I came here.

463 By Mr. Wilson:

26. Q. Among what people were you designated as a missionary?

A. Among the colored people.

W. V. WRIGHT.

Sworn & subscribed before me this 18th day of September, 1868.
JA'S O. CLEPHANE, *Examiner.*

Witness JAMES H. LEE recalled for complainants.

Examined by Mr. Tho's Wilson, of counsel for complainants:

1. Q. You have already testified that you were the church clerk. Look at this book ("Ex. 'E'(d), J. O. C.,") on the page of date February 10th, '68, whear a leaf appears to have been torn out?

(Objected to by Mr. Terry on the ground of having before given testimony in regard to the same matter.)

A. (Turning to the page referred to.) I never said that before.

464 I did not belong to the church at that time.

2. Q. I will ask you whether you were a member of the church at that time.

A. No, sir.

3. Q. Whose writing is that in that book under that date?

A. I don't know.

4. Q. Do you know anything about who tore out those leave?

A. No, sir; I do not know anything at all about those leaves.

5. Q. I now want you to state whether or not there was, during the time that you had that book (Ex. "E(d)," J. O. C.) in your possession, any statement in it of moneys received, paid out, or collected by or on behalf of the church, or any settlement made at the close of each year?

A. Not to my knowledge,

6. Q. Did you ever see any such paper writing as part of that book?

A. No, sir.

7. Q. Did you ever hear of there being any such paper writing in that book?

465 A. No, sir.

8. Q. Did it have any place or business in that book?

A. No, sir; I do not think it had, so far as my judgement goes.

(No cross-examination.)

JAMES H. LEE.

Sworn & subscribed to before me this 18th day of Sept., 1868.
JA'S O. CLEPHANE, *Examiner.*

Deposition of Willis J. Minor for complainant.

Examined by Mr. Thomas Wilson, of counsel for compl't:

1. Q. State what you know with regard to the different proportions of money raised or collected by subscription by these two respective parties in the 3rd Babtist Church previous to the split. Did one

466 party raise more than the other?

A. No, sir; of course not. The biggest portion raised the biggest part of the money, and one side was the biggest side. The money, however, was collected in the church, and set down in the books, and I do not know that any one paid more than the other.

2. Q. Do you know anything of the party now holding with Bouldin having been more liberal in raising money?

A. Not as I know of.

3. Q. Were you treasurer of the church at one time?

A. I was.

4. Q. Do you know anything about this book, "Ex. E?"

A. Oh, yes, sir; have seen it often.

5. Q. Did you see it before the split?

A. Yes, sir.

6. Q. Can you read writing?

A. Some.

7. Q. Did you ever see or know of there being any leaves in that book which contained a statement of the amount collected, &c.?

A. No, sir.

(Objected to by Mr. Terry.)

467 Q. Would you have been likely to have seen such paper as that had it been there?

A. I certainly would; I was trustee at one time, and often acted as clerk, as I was a trustee, in collecting money and putting down the amounts, and paying money out.

9. Q. I will ask you to state whether or not you ever saw or knew of there being anything in that church ledger as a settlement on one page of the monetary affairs of the church, and upon the next page a statement of the dead members?

A. I have never seen it.

10. Q. Did you ever know of its being there?

A. I never heard of it or saw it.

11. Q. State whether or not, about the time that this fuss was breaking out, in June, 1867, you know how the old trustees came to be put out of their place, as alledged by the defendants?

A. Only by part of them collecting together two or three nights after the fuss and saying that they turned us out.

12. Q. How did the trustees get out of their position as trustees?

468 A. The trustees have never been turned out.

13. Q. Do you know anything of any one having made a motion to turn out the old trustees and elect new ones?

A. None, except myself, in a verbal way. When the fuss first broke out, on a Friday night, Austin Robinson inquired of Brother Bouldin if they could get another minister if they paid for everything, and this created some trouble. On Monday night the church was called to try and settle this matter, or to give some satisfaction to Brother Bouldin. Soon there got to be such confusion that I merely said, as a presumption, that they might just as well turn them all out. Nothing more was said about it. That remark was taken as a motion, and put before the other party of members, and carried. This was after the split. I was not present when the vote was taken. That is what I heard.

14. Q. Was this suggestion or remark made in the form of a motion?

A. No, sir.

15. Q. Was there any motion made, at the time you thus spoke, to lay it on the table or to continue it?

469 A. No, sir; nothing more was said about it at that time.

Cross-examination by Mr. Terry, of counsel for def'd't:

16. Q. Look at this book, (Ex. "E"(d), J. O. C.,) and state if it was in your possession?

A. Never.

17. Q. You do not know whether any leaves were out of it or not?

A. No, sir.

By Mr. Wilson:

18. Q. Have you or not had ample opportunities of looking at the book and seeing what there was in it?

A. Oh, yes, sir; I looked at it.

By Mr. Terry:

19. Q. Do you know of any leaves being pasted together?

A. Yes, sir.

20. Q. Do you know what was on those leaves that were pasted together?

A. No, sir.

470 21. Q. Who pasted them together?

A. Lee.

22. Q. Were you present when he did so?

A. No, sir; he told me.

WILLIS J. MINOR.

Sworn & subscribed to before me this 18 day Sept., 1868.

JA'S O. CLEPHANE, *Examiner.*

Witness JOSEPH ALEXANDER recalled:

Examined by Thomas Wilson, esq., of counsel for compl'ts:

1. Q. State whether you have ever seen, known, or been intimately acquainted with the church ledger, (Ex. "E"(d), J. O. C.)?

A. Yes, sir; very well acquainted with it.

2. Q. State whether there has ever been, to your knowledge, any scedule or statement of the expense, or money paid out, received, or collected, or any settlement made of money as aforesaid, made at the close

471 of each year, that were put in any of the pages of that book.

A. There never was such a thing done.

3. Q. Do you know anything about any of those leaves next to February 10th?

A. No, sir; I never looked at the book so particularly as that, but I know there were no leaves cut out while in our possession.

4. Q. Do you know anything about anybody who did cut those leaves out next to February 10th?

A. No, sir.

5. Q. Do you know anything about what was on those leaves?

A. No, sir.

6. Q. Do you know of there having been on those leaves which were cut out any figuring or statement of the expenses or moneys collected?

A. No, sir.

7. Q. Were those expenses and statements with regard to the money matters kept in other books or in that book?

A. I disremember whether they were kept in there particularly or not.

8. Q. Before this split, was there any difference, that you know

472 of, between the amounts of money that were collected or paid by the two parties in the church, respectively?

A. The whole body that is with us obligated themselves to pay $5 a month each for I can't tell how many months; this money was paid every collection day down on the table; the other party, too, of course, as many as there were, paid the same amount.

9. Q. Do you mean $5 for each member?

A. Yes, sir; I will say, however, that the party now with Bouldin—I mean his family—were not here at that time, and, of course, they did not pay what we paid.

Cross-examination by Mr. Terry, of counsel for defd'ts:

10. Q. You before testified in chief on the part of the complainants?

A. Yes, sir.

11. Q. You are one of the complainants?

A. Yes, sir.

12. Q. When did you become a member of this church?

A. I suppose about '62–'3.

473 13. Q. When did you receive notice that you were turned out of the church?

A. I never did; not untill the time we were called before Squire Walter.

14. Q. Who told you then?

A. No one in particular; I just heard it spoken about in the street.

15. Q. Was there any female name connected with yours when you heard this report about being turned out?

A. Sister Sheppardson, who is now worshipping with us, was turned out. She repented, and has come with us.

16. Q. How long was the book (Ex. "E"(d), J. O. C.) in your sole possession?

A. It was in my possession about two months, perhaps, when the books were called for, and we delivered them up.

17. Q. How came it into your possession?

A. It came into my possession when it was turned over to Lee from the coulcil. I then held it.

18. Q. It never was in your possession before?

474 A. No, sir; I had not this book my own self personally, to have anything to do with it. I would get it some time from Brother Lee's house.

19. Q. Then when you say you had possession of it for two months, you mean the seceding party?

A. Yes, sir.

20. Q. Then, during these two months, sometimes you would have it, sometimes Brother Minor, and sometimes Lee?

A. Yes, sir.

21. Q. Do you remember any of the other brethren of the seceding party who had it during these two months?

A. Brother Jefferson was with me some of the time.

22. Q. Did Brother Jefferson write in it while you had it?

A. I do not know whether he wrote in it or not, but I know he was looking at some of the accounts to see how they run.

23. Q. Did he take the book away from you?

A. No, sir.

24. Q. Did you leave him alone with it?

A. Yes, sir.

475 25. Q. How did he find the accounts to stand in that book? (Objected to by Mr. Wilson.)

A. He never told me.

26. Q. So far as you now remember, you never examined the accounts in this book yourself? I mean Exhibit "E"(d), J. O. C.

A. No, sir.

27. Q. To whom did you deliver this books?

A. I think the law called for the books and papers, and I carried it and delivered it to Mr. Phillips, the lawyer.

28. Q. You have testified, I believe, that you do not know that anything was done to the book different from what it was when it came into your possession?

A. No, sir.

29. Q. Who gave that book to you?

A. I do not know how it came into my hands.

Re-direct, by Mr. Wilson:

30. Q. Were you one of the forty-one said to have been turned out by Brother Bouldin's party?

A. Yes, sir.

476 31. Q. Were you turned out, that you know of, any time prior to that?

A. No, sir.

32. Q. Were you turned out at the same time that Sarah Ann Sheppardson was?

A. No, sir; I never was turned out.

33. Q. When you say Brother Jefferson took the book to look over the accounts, do you mean that particular book, (Ex. "E"(d), J O. C.;) or do you mean all the books?

A. I do not mean all the church books.

34. Q. Do you know that he was looking at the monetary accounts of the church in that book?

A. I could not say it was this particular book. It was a big book like that.

35. Q. It might have been that book, or it might have been some other book?

(Objected to by Mr. Terry.)

A. Yes, sir.

36. Q. When you delivered that church book to Mr. Phillips, did you or not deliver the balance of the church books also?

A. Yes, sir; all delivered there.

477 By Mr. Terry:

37. Q. Did you not receive a written notice, signed by Mr. Bouldin, that you were turned out of the church, which notice you returned to him?

A. Not as I know of.

38. Q. What do you mean by that?

A. I know I never heard of it, and am sure I never saw one myself.

39. Q. Do you remember what Sarah Ann Sheppardson was turned out for?

A. Yes, sir; because she committed adultery, and had a base-born child. She had a husband, however, and she contended that it was a child had by him.

40. Q. Where was her husband during this time?

A. At Alexandria.

41. Q. Where was she living at this time?

A. In Washington.

42. Q. Were you often at her house?

A. Not often?

43. Q. Sometimes?
A. Yes, sir.
44. Q. Did you have a wife of your own at that time?
A. Yes, sir.
478 45. Q. About how often were you at her house?
A. Sometimes we were compelled to go round to see over them.
46. Q. Did her husband come up to see her?
A. Not as I know of.
47. Q. Were you acquainted with her husband?
A. No, sir; I only know persons who were.
48. Q. Where did she live at this time?
A. I disremember whether she was on Ridge street or on 9th street.
49. Q. Did she keep house?
A. Yes, sir.
50. Q. How did she support herself?
A. Nothing more than her children going soldiering.
51. Q. How many had she?
A. Three young ones with her.
52. Q. How did she support them?
A. By her work, and with what persons would give her, and her sons' pay in the army.
53. Q. Did you ever give her anything for her support?
A. No, sir.
479 54. Q. How long did she live there away from her husband?
A. I do not know.
55. Q. Did she have children during that time?
A. Only the children she came here with, and this one charged to me.
56. Q. How long did she live here keeping house, while her husband was in Alexandria, before this child was born?
A. Some time.
57. Q. Don't you know that her husband had deserted her entirely?
A. No, sir.
58. Q. In regard to your church duty in calling, how often did you call upon her?
A. Sometimes once, and sometimes twice a week.
59. Q. Give us the name of any other sister of the church that you called on twice a week in performance of your church duties?
A. I know several. Sister Newman, Emely Martin, Ann Sheldon, Sister Susan Parker, and Sister Hamilton.
60. Q. What is about the color of Sarah Ann Sheppardson?
480, 481 A. She had a bright-brown skin.
61. Q. What is the color of this base-born child?
A. I never saw it.
62. Q. Then after the child was born you neglected your duties?
A. Yes, sir.
63. Q. How did you first ascertain that Sarah Ann Shepperdson had been turned out of the church?
A. I was there at the church.
64. Q. Which was turned out first, you or she?
A. I was never turned out.
65. Q. Don't you know that some of the bretheren objected to her staying in the chuch, and you did not?
A. I did not.
(Mr. Wilson desires to have objections noted to all that portion of the cross-examination which relates to Sarah Ann Sheppardson.)
66. Q. Do you remember being at a church meeting the night before the split?

A. Yes, sir.
67. Q. Do you know Louisa Scott?
A. Yes, sir.
482 68. Q. Were you there when she was turned out?
A. I was; Bouldin himself made the move.
69. Q. For what was she turned out?
A. For having an illegitimate child.
Q. Did you approve her being turned out?
A. No, sir; we are compelled to do it when they get in that way.

JOSEPH ALEXANDER.

Sworn & subscribed to before me this 18th day of Sept., 1868.

JA'S O. CLEPHANE, *Examiner.*

Adjourned to meet Saturday, Sept. 19th, 1868, at the office of Mr. Thomas Wilson, No. 2 4½ street, at 11 o'clock.

JA'S O. CLEPHANE, *Examiner.*

1868, SEPTEMBER 19TH.—Met pursuant to adjournment. Present, Mr. Wilson, of counsel for complainants, and Mr. Terry, of counsel for defendants. The examination of witnesses was proceeded with as follows:

[To be found attached to def'd'ts deposition.]

Mr. Wilson first offers in evidence deed from Albert Bouldin, marked "Ex. 'P,' J. O. C.," and deed from Joseph Alexander et al.,
483 marked "Ex. 'Q,' J. O. C."

1868, DECEMBER 29TH, *Tuesday.*—In pursuance of the order of the court of the 7th of December, 1868, granting the complainants further time in which to take testimony, and of the notice herewith annexed, seved upon the defendants' counsel, I proceeded, at the time and place mentioned in said notice, and in the presence of Messrs. Wilson & Brown, attorneys for complainants, to take the following depositions on behalf of the complainants:

In sup. court, Dist. Col.

ALEXANDER ET ALS. } Equity.
vs.
BOULDIN ET ALS. }

To the respondents, or Jno. E. Norris, their sol.:

Take notice, that the plaintiffs will proceed to take the deposition of witnesses, on behalf of complainants in above-entitled cause, before James O. Clephane, esq., ex'r of the said courts, commencing Tuesday, Dec. 29th, at 11 o'clock p. m., at No. 2 4½ street. Attend if you see fit.

BROWN & WILSON,
For Complainants.

484 Served the within on Jno. E. Norris, esq., att'y for def't, Dec. 18, 1868, by handing him a true copy.

A. K. BROWNE.

Deposition of Willis E. Minor for complainants.

Examined by Mr. Browne, of counsel for compl'ts:

1. Q. Were you present at the Third Babtist Church when the second meeting of the 1st council was held there?

A. Yes, sir.
2. Q. Who was moderator of the council on that occasion?
A. Rev. D. W. Anderson.
3. Q. Was a report made by any committee appointed to inquire into the pecuniary affairs of the Third Babtist Church?
A. There was.
4. Q. Was a vote taken on the adoption of that report?
A. Yes, sir.
5. Q. Was any instruction given or request made regarding the vote by the moderator?
A. Yes, sir; just before the vote was taken, Mr. Anderson requested none to vote except members of the church and council.
485 Q. When the vote was had, did you observe particularly to see whether any persons other than members of the church voted?
A. I did; and I saw none voting except those who were entitled to vote.

WILLIS J. MINER.

Sworn & subscribed to before me this 29th day of Dec., 1868.
JA'S O. CLEPHANE, *Examiner.*

Deposition of Joseph Alexander for complainant.

Examined by Mr. Browne, of counsel for compl't:

1. Q. Were you present at the Third Babtist Church on the occasion of the second meeting of the first council?
A. Yes, sir.
2. Q. Was a report made by any committee on that occasion relative to the pecuniary matters of the church?
A. Yes, sir; a committee that had retired to the basement for the purpose of consultation.
3. Q. Was a vote had upon the question of the adoption of such report?
A. Yes, sir.
Q. Was anything said by the moderator regarding the persons who should vote?
486 A. Yes, sir. Just before the vote was to be taken, Mr. Anderson got up and said he wanted no one who was not a member of the church or council to vote.
5. Q. Did you observe particularly to see whether any others did vote?
A. I did.
6. Q. Did you see any, who were not entitled to vote, vote?
A. No, sir. I saw those only who were entitled vote. There was quite a number of others present who did not vote.

JOSEPH ALEXANDER.

Sworn & subscribed to before me this 29th day of Dec., 1868.
JA'S O. CLEPHANE,
Examiner in Chancery.

Deposition of Austin Robinson for complainants.

Examined by Mr. Browne, of counsel for compl't:

1. Q. Were you present at the second meeting of the first council held in the 3rd Babtist Church?
A. I was.

2. Q. Was a report of a committee made there that evening?
A. Yes, sir.
487 3. Q. Who was the moderator of that council?
A. Rev. D. W. Anderson.
4. Q. Before the vote was taken on the adoption of the report, of which you have spoken, was anything said by Mr. Anderson, the moderator, as to who should vote?
A. There was. He said none should vote who were not members of the church or council.
5. Q. Did you take notice of those who voted?
A. I did.
6. Q. Did you observe any voting who were not members of the church or council?
A. No, sir. None who were not entitled voted.

AUSTIN his + mark. ROBINSON.

Witness: JA'S O. CLEPHANE.

Deposition of William B. Jefferson for complainant.

Examined by Mr. Wilson, of counsel for complainants:

1. Q. Were you present at the Philadelphia Babtist Association, held in Philadelphia, in October, 1868?
A. Yes, sir.
2. Q. Have you received any copies of the minutes of that meeting of the association?
488 A. I have; I received them from Herndon's Express Office.
3. Q. By whom were they sent?
A. By the clerk, Mr. Horatio Gates Jones.
4. Q. Is this one of those copies? (Handing witness Ex. "R," J. O. C.)
A. Yes, sir.
5. Q. Were you at that meeting of the association?
A. Yes, sir.
6. Q. As what?
A. As a delegate.
7. Q. Were they sent to you by reason of your being a delegate, and as the representative of the Third Babtist Church?
A. Yes, sir.

W'M B. JEFFERSON.

Sworn & subscribed to before me this 29th day of Dec., 1868.
JA'S O. CLEPHANE,
Examiner in Chancery.

Mr. Wilson, of counsel for complainant, stated that the testimony on the part of the complainant was now closed.

489 DISTRICT OF COLUMBIA, *County of Washington, ss:*

I, James O. Clephane, examiner in chancery, do hereby certify that, in pursuance of due notice, (annexed to depositions of defendants,) the foregoing depositions were taken down by me, and reduced to writing in the presence of, and from the statement of, the witnesses at the time and place designated in the caption thereof, and were then and there by me read over to the witnesses, and by them subscribed in my presence, and in the presence of the solicitors in the cause, who were then and

there attending, the witnesses having been by me first duly sworn to testify the truth, the whole truth, and nothing but the truth touching the matters at issue in said cause.

I further certify that I am not counsel for any of the parties to said cause, or in any manner interested therein.

490 EXHIBITS TO COMPLAINANTS' TESTIMONY.

Filed Jan'y 5th, 1869.

Exhibit A.—Minutes of church meetings to Dec'r 3d, 1867.

June 17th, 1867.

THIRD BAPTIST CHURCH,
Washington, June 17th, 1867.

At a church meeting call for business Brother Joseph Pryor chosen moderator. Then proceeded to business.

The moderator stated the object of the meeting, and called for the reports.

Bro. Jos. Alexander gave in his report, stating what Brother A. Bouldin had said in the last parreytory meeting, and also in the regular church meeting. Brother Robinson asked Brother Bouldin for information if the church would pay for the meeting-house, could the church call another minister; and he said if they was to pay for the house that he was there for lifetime, and then he said that they had been holding meetings to turn him out. Then Brother Robinson said to him, "If I have offended you, Brother Bouldin, by asking you that for informa-
491 tion, I hope you will pardon me for it." But Brother Bouldin would not grant it. Brother Robinson asked Bro. Bouldin pardon three times, and he would not grant it to him. Then Brother John Dillard brought in a charge against Brother Bouldin, stating that Brother Bouldin call him in church meeting a Virginia niger; said that he had come here to rule over him. And on Monday night, June the 10th, 1867, Brother Bouldin call church meeting. Then he called all of the deacons fools in the church. Then Sister L. Conner charges Brother Bouldin of calling her a liar three times in church, and never asked her pardon; and Brother Joseph Alexander brought a charge against Brother Bouldin for stoping him, and two others with him, from taking communion, because he called a meeting to try to pay for the ground as the lot before the house was put on it.

No more done. Adjourned.

JOSEPH PRYER, *Moderator.*
JAMES H. LEE, *Church Clerk.*

492 THIRD BAPTIST CHURCH,
Washington, D. C., July 12th, 1867.

At a regural church meeting, open by prayer, Brother John Middleton was chosen for moderator of the meeting, and the regular church clerk was present, and then proceeded to business.

The minutes of the previous meeting was read. Then they was taking up by sections.

Brother A. Bouldin was notified to appear at this regular church meeting to answer to the charges preferred against him by the members of this church; he was notified from a call church meeting held July

5th, 1867, and the charges was sent to him on the next day, to be present at this meeting, or send some lawful excuse, that he would be excluded from our fellowship. So he did not appear before this church meeting, nor send any excuse at all.

Then it was moved and seconded that Brother Albert Bouldin shall be excluded from us. Carried by a unanimous vote. Adopted.

The following are the charges preferred against Albert Bouldin, for which he was excluded from the fellowship of the church:

493 1st charge. That he has called some of the members fools and liars.

2nd. That he has purposely and stubbornly kept the members in ignorance of the financial matters of the church.

3rd. That he have refused to grant pardon to members at whom he was agrieved at, after they have repeatedly asked him pardon.

4th. That he have locked, or caused to be locked, against us our meeting-house, preventing us from holding worship in it.

5th. That he have been guilty of telling willful lies against the church.

6th. That he have taken a false oath against his brothers and for false imprisonment.

7th. That he have gone to law with his brethren.

It was moved and seconded that a copy of this with the charges be sent to Albert Bouldin by order of the church; was put and carried by a unanimous vote of the church; nearly two hundred members was present.

9TH SEC. *Resolved*, That all of those members who rebelded
494 against the main body of the church shall give a satisfaction to the church; and if they do not, they will be excluded from this church.

Carried and adopted by a unanamous consent of the church.

10TH SEC. *Resolved*, That the church publish all her difficulties in the Star & other city papers, and in the American Baptist papers. Carried and adopted.

11TH SEC. *Resolved*, That Rev'd M. V. Wright be requested to write the formes, articles for publication of our difficulties. Adopted.

12TH SEC. *Resolved*, That the resolution that was to invite Rev'd W'm J. Walker to administer the Lord's Supper on the 2d Sunday of July, 1867; it was moved that the invitation be withdrawn for consideration; was carried and adopted.

13TH SEC. *Resolved*, That we change our day of communion from the second Sunday of the month to the third Sunday, which is our right day of communion, and carried and adopted.

14TH SEC. *Resolved*, That we have our regular church service on
495 Sunday all day, as usual, and that we take the names of all those who will subscribe five dollars apiece, and from that down to 10 cts., if they can't do no more; but we want as much as we can git, to try to pay for our meeting-house. Approved and adopted.

15TH SEC. *Resolved*, That hereafter no business shall be brought in church meeting except coming before the deacon's board, and investigated, and then presented to the church meeting in regular written form. Carried and adopted.

16TH SEC. After which taking up of a collection, amounting to $2 51 cts. Benediction.

On motion that the meeting adjourned.

BRO. JOHN MIDDLETON, *Moderator.*
BRO. JAMES H. LEE, *Church Clerk.*

Adjourned.

496 AT MILLER'S SCHOOL-HOUSE, THIRD BAPTIST CHURCH,
Washington, D. C., Sept. 19th, 1867.

Thursday night a call church meeting for business was opened by reading and prayer, and Brother W'm B. Jefferson chosen as moderator of the meeting, & James H. Lee clerk.

Then proceeded to business.

Then moved that all of the members of the Third Babtist Church who was going to stay with us should stand up on there feet and hold up there right hand; was put, carried, and adopted by the majority of the whole church. Unanimously carried.

Then heard Sister Matildia Brown, and was received as a canidate for baptism by a unanimous vote of the church; and Sister Harriet White, givin satisfaction to the church, was restored to the fellowship of the church by a unanimous consent; and then Sister Louisa Scott, giving satisfaction to the church, and was restored to the fellowship of the church by a unanimous vote.

Resolved, That church adjourn to meet on next Thursday night, Sept. 26th, 1867, at 7 o'clock p. m. Adjourned.

497 W'M B. JEFFERSON, *Moderator.*
JAMES H. LEE, *Church Clerk.*

WASHINGTON, D. C., *Oct. 11th*, 1867.

3d Bapt. Ch. to the Georgetown Bapt. Ch.:

DEAR BRETHEN: You are requested to send your pastor & two delegates to set in council with us on the 16th inst., at 2 o'clock, for the purpose of finding out which is the 3rd Bapt. Ch. The council will meet in the meeting-house of 4 & L st., Washington.

By order of the ch:

JAMES H. LEE, *Clerk.*

The following churches are invited to come: 19th st. Bapt.; 13 st.
498 Bapt.; Shaloah Bapt.; 4 Bapt.; 5 Bapt.; Calvary Bapt.; E st. Bapt.; 2 Bapt.; 1st Navy Yard Bapt.; 2nd Navy Yard Bapt.; 6th st., Island; Zion Bapt., Island; 1st Bapt., Alex., Va.; 2nd Bapt., Alex., Va.; 3rd Bapt., Alex., Va.; 4th Bapt., Alex., Va.

WASHINGTON, D. C., *Nov. 3rd*, 1867.

A call meeting held by 3rd Baptist Church. Open by prayer. Bro. Joseph Alexander chosen moderator, James H. Lee clerk; and they proceeded to business, and then—

Resolved, That a committee of one be appointed to take the proceedings of the council, to try to get as many of the ministers of Washington, D. C., to sign the record of this council. Agreed to.

Resolved, That Bro. W'm B. Jefferson be the said committee. Carried by the majority of the church.

Resolved, Bro. Jefferson be sustained by the members of the church. C'd.

499 *Resolved*, That the deacons be appointed to go down to notify those members who continued with Bouldin to appear before our church meeting to give satisfaction.

ASSISTANT QUARTERMASTER'S OFFICE,
DEPOT OF WASHINGTON,
No. 151 G Street, near 21st, Washington, D. C., Nov. 13th, 1867.

A meeting of the deacons' board. Open by prayer. Jos. Alexander moderator; Willis J. Miner, clerk.

1. Willes Camel received by experience of grace.
2nd. Mary Camel received by experience of grace.
3rd. Resolution that no member shall be presented to the church untill received by the deacons first.
4th. No person shall be received as a member of this church to whose admission five members request. If required, the obligation shall be communicated to the pastor and deacon.
5th. That the deacon shall be at church on the Sabbath day.
6th. That Brother Jos. Alexander shall be the head deacon.
7th. That Brother John Middleton shall be the 2 deacon. Carried.
8th. Motion that Brothers Nerear Taylor & John Middleton
500 shall wait on the members in Murder's Bay, and cite them to appear to church on Friday night.
No more, & close.

JOSEPH ALEXANDER.

9TH-STREET SCHOOL-HOUSE, WASHINGTON, D. C.,
Third Baptist Church, November 15th, 1867.

At a regular church meeting. Was open by reading and prayer; after which Bro. W'm B. Jefferson was chosen as moderator, James H. Lee clerk. Then proceeded to business.
1st. Heard the experience of Sister Rodier Middleton, which was heard, and received by an experience of grace as a member of the church.
Then the minutes of the previous meeting was read.
The report of the deacons' board was read, and was received by a unanimous consent of the church.
Then heard the report of the committee which was appointed to go to Murder's Bay to see those members there. Bro. John Middleton and Bro. Nero Taylor was the appointed committee.

They was heard to satisfaction to the church, and was released
501 from their reports.

JOHN MIDDLETON,
NERO TAYLOR, *Committee.*

Resolved, That hereafter no one shall be received in this church untill coming before the deacons' board first; which resolution was adopted by a unanimous consent of the church.
On motion—
Resolved, That Bro. Joseph Alexander be the first and head deacon; which resolution was adopted also by a unanimous consent of the church.
On motion—
Resolved, That Bro. John Middleton be the second deacon; which resolution was carried by the majority of the church.
Resolved, That Sister Martha Lewis's letter be referred over to another regular church meeting for reconsideration. Carried by and adopted.
Resolved, That the church invite Brother D. W. Anderson, pastor of 1st Baptist Church, 19th street, to administer the ordinance of baptism, and to administer the Lord's Supper on Sunday next; and if he cannot, we invite Bro. Lee, on Island; and if we cannot get him, we also invite Bro. W'm J. Walker, L-street Shiloah Church.
Resolved, That we send a written invitation to them.
502 On motion to adjourn, carried unanimously.

REV'D W'M B. JEFFERSON, *Moderator.*
JAMES H. LEE, *Church Clerk.*

496 AT MILLER'S SCHOOL-HOUSE, THIRD BAPTIST CHURCH,
Washington, D. C., Sept. 19th, 1867.

Thursday night a call church meeting for business was opened by reading and prayer, and Brother W'm B. Jefferson chosen as moderator of the meeting, & James H. Lee clerk.

Then proceeded to business.

Then moved that all of the members of the Third Babtist Church who was going to stay with us should stand up on there feet and hold up there right hand; was put, carried, and adopted by the majority of the whole church. Unanimously carried.

Then heard Sister Matildia Brown, and was received as a canidate for baptism by a unanimous vote of the church; and Sister Harriet White, givin satisfaction to the church, was restored to the fellowship of the church by a unanimous consent; and then Sister Louisa Scott, giving satisfaction to the church, and was restored to the fellowship of the church by a unanimous vote.

Resolved, That church adjourn to meet on next Thursday night, Sept. 26th, 1867, at 7 o'clock p. m. Adjourned.

497 W'M B. JEFFERSON, *Moderator.*
JAMES H. LEE, *Church Clerk.*

WASHINGTON, D. C., *Oct. 11th*, 1867.

3d Bapt. Ch. to the Georgetown Bapt. Ch.:

DEAR BRETHEN: You are requested to send your pastor & two delegates to set in council with us on the 16th inst., at 2 o'clock, for the purpose of finding out which is the 3rd Bapt. Ch. The council will meet in the meeting-house of 4 & L st., Washington.

By order of the ch:

JAMES H. LEE, *Clerk.*

The following churches are invited to come: 19th st. Bapt.; 13 st.
498 Bapt.; Shaloah Bapt.; 4 Bapt.; 5 Bapt.; Calvary Bapt.; E st. Bapt.; 2 Bapt.; 1st Navy Yard Bapt.; 2nd Navy Yard Bapt.; 6th st., Island; Zion Bapt., Island; 1st Bapt., Alex., Va.; 2nd Bapt., Alex., Va.; 3rd Bapt., Alex., Va.; 4th Bapt., Alex., Va.

WASHINGTON, D. C., *Nov. 3rd*, 1867.

A call meeting held by 3rd Baptist Church. Open by prayer. Bro. Joseph Alexander chosen moderator, James H. Lee clerk; and they proceeded to business, and then—

Resolved, That a committee of one be appointed to take the proceedings of the council, to try to get as many of the ministers of Washington, D. C., to sign the record of this council. Agreed to.

Resolved, That Bro. W'm B. Jefferson be the said committee. Carried by the majority of the church.

Resolved, Bro. Jefferson be sustained by the members of the church. C'd.

499 *Resolved*, That the deacons be appointed to go down to notify those members who continued with Bouldin to appear before our church meeting to give satisfaction.

ASSISTANT QUARTERMASTER'S OFFICE,
DEPOT OF WASHINGTON,
No. 151 G Street, near 21st, Washington, D. C., Nov. 13th, 1867.

A meeting of the deacons' board. Open by prayer. Jos. Alexander moderator; Willis J. Miner, clerk.

1. Willes Camel received by experience of grace.
2nd. Mary Camel received by experience of grace.
3rd. Resolution that no member shall be presented to the church untill received by the deacons first.
4th. No person shall be received as a member of this church to whose admission five members request. If required, the obligation shall be communicated to the pastor and deacon.
5th. That the deacon shall be at church on the Sabbath day.
6th. That Brother Jos. Alexander shall be the head deacon.
7th. That Brother John Middleton shall be the 2 deacon. Carried.
8th. Motion that Brothers Nerear Taylor & John Middleton
500 shall wait on the members in Murder's Bay, and cite them to appear to church on Friday night.
No more, & close.

JOSEPH ALEXANDER.

9TH-STREET SCHOOL-HOUSE, WASHINGTON, D. C.,
Third Baptist Church, November 15th, 1867.

At a regular church meeting. Was open by reading and prayer; after which Bro. W'm B. Jefferson was chosen as moderator, James H. Lee clerk. Then proceeded to business.
1st. Heard the experience of Sister Rodier Middleton, which was heard, and received by an experience of grace as a member of the church.
Then the minutes of the previous meeting was read.
The report of the deacons' board was read, and was received by a unanimous consent of the church.
Then heard the report of the committee which was appointed to go to Murder's Bay to see those members there. Bro. John Middleton and Bro. Nero Taylor was the appointed committee.

They was heard to satisfaction to the church, and was released
501 from their reports.

JOHN MIDDLETON,
NERO TAYLOR, *Committee.*

Resolved, That hereafter no one shall be received in this church untill coming before the deacons' board first; which resolution was adopted by a unanimous consent of the church.
On motion—
Resolved, That Bro. Joseph Alexander be the first and head deacon; which resolution was adopted also by a unanimous consent of the church.
On motion—
Resolved, That Bro. John Middleton be the second deacon; which resolution was carried by the majority of the church.
Resolved, That Sister Martha Lewis's letter be referred over to another regular church meeting for reconsideration. Carried by and adopted.
Resolved, That the church invite Brother D. W. Anderson, pastor of 1st Baptist Church, 19th street, to administer the ordinance of baptism, and to administer the Lord's Supper on Sunday next; and if he cannot, we invite Bro. Lee, on Island; and if we cannot get him, we also invite Bro. W'm J. Walker, L-street Shiloah Church.
Resolved, That we send a written invitation to them.
502 On motion to adjourn, carried unanimously.

REV'D W'M B. JEFFERSON, *Moderator.*
JAMES H. LEE, *Church Clerk.*

DEC. 8th, 1867.

Call meeting. Sister Virginia White requested of the church her letter of dismission, which was granted to her some time ago, before the church was interrupted; and her letters was referred to the regular church meeting for reconsideration. Sister White leaves her address with the church in order to send her letter to her, if it was granted at the church meeting, in the care of Mr. Berrill Rice, Farmville, Virginia.

Adjourned.

W'M B. JEFFERSON, *Moderator.*
JAMES H. LEE, *Church Clerk.*

503 WASHINGTON, D. C., *Dec. 31st*, 1867.

Third Babtist Church, 9th street, between P & Q sts. At the call of a special church meeting to take in consideration of calling Brother William B. Jefferson to the pastoral charge of this church, after which a motion was made that Bro. W. B. Jefferson be call.

1. *Resolved*, That Brother W'm B. Jefferson, our well-beloved brother, be call to the pastoral charge of this church; which was carried by a unanimous consent of the church.

2nd. *Resolved*, That a council be call to ordain him for this church after he has been examine. Carried and adopted.

3rd. *Resolved*, That the deacons appointe the time for his ordination. Agreed to.

The following are the named churches which are invited to set in council with us: 1st Baptist Church, 19th street, Washington, D. C., Rev. D. W. Anderson, pastor; 5th Baptist Church, Washington, D. C., Rev. John H. Brooks, pastor; Shiloah Baptist Church, L st., Washington, D. C., Rev'd Dr. E. Turney, of Washington, D. C.; 1st Baptist Church, Georgetown, D. C., Rev. Sandy Alexander, pastor;
504 1st Baptist Church, Alexandria, Va., Rev. S. W. Madden, pastor; 3rd Baptist Church, Alexandria, Va., Rev. George W. Parker, pastor.

After which the meeting adjourned. Prayer offered by Brother John Middleton.

BRO. JOSEPH ALEXANDER, *Moderator.*
BRO. WILLIS J. MINOR, *Assistant Clerk.*
JAMES H. LEE, *Church Clerk.*

THIRD BAPTIST CHURCH,
9th Street, Washington, D. C., Dec. 13th, 1867.

At a regular church meeting open by reading and prayer, Brother W'm B. Jefferson chosen for moderator, James H. Lee, clerk. Then proceeded to business.

First, taking up the regular dues; monthly contribution amounting to $4 03 ct's, and after which the minutes of the previous meetings was read.

Then Brother John Middleton requested that the motion which was adopted on last church meeting concerning him, being the second deacon in the church, be omitted.

505 *Resolved*, That the action of that motion be disregarded, which action was approved on last church meeting. Carried and adopted by a unanimous consent.

And after which, taking up the case of Sister Martha Lewis, which was referred on last church meeting concerning giving her a letter of dismission to join another church in this city:

Resolved, That Sister Lewis cannot get a letter of dismission from us to join that church in Murder's Bay, because it has never been organized; if it was organized, we would give her a letter at pleasure.

Bro. Nero Taylor was appointed to cite Bro. Robert Payne to appear before the church to render satisfaction to the church for using improper language in the church which was not becoming to Christianity. Bro. Taylor reports that Brother Payne is now present.

On motion that Brother Taylor be released from his report. Carried by a unanimous vote of church.

Bro. Robert Payne was then called upon to give the church satisfaction; which he refused to give a satisfaction to the church, but used very unplesant language before the church: It was, therefore,

506 *Resolved*, That Bro. Robert Payne be excluded for using bad language in the church and for not giving satisfaction. Carried by a unanimous consent of the church.

Then taken up Sister White's case, concerning giving her a letter of dismission. The church was informed that Sister Virginia White had been to the Shiloah Church trying to get that church to sign the letter that A. Bouldin had given to her: It was, therefore—

Resolved, That Sister White cannot get a letter from this church untill she comes and gives satisfaction to the church why she has done so. Carried and adopted.

Resolved, That the minutes of the last church meeting be adopted. Carried unanimously.

On motion to adjourn, carried. Benediction.

REV'D W'M B. JEFFERSON, *Moderator.*
JAMES H. LEE, *Church Clerk.*

507 *Exhibit B.—Minutes of church meetings since Dec. 3rd*, 1867.

WASHINGTON, D. C., *January 9th*, 1868.

A call meeting was call for the re-election of officers. Brother W'm B. Jefferson chosen as moderator of meeting; Brother W'm Laws, as clerk pro tem. Then proceeded to business.

It was moved there should be a delegate of 2 for each post delegated. Object.

Then it was moved that the same old deacons would hold there post. Object, and it was laid over to the church meeting.

Then it was move & second that there should be a committee of 3 pick out to look over the books & papers to report to the church on church meeting. Agreed to.

No more was done. Close by dismission.

WILLIAM LAW.

508 THIRD BAPTIST CHURCH,
9th Street, Washington, D. C., Monday night, Jan. 13th, 1868.

A report of the trustees' board. Meet to examine the money books, and, after having a correct examination with the books, we found that—

We had taken in from Dec. 13th, 1867, from our last church meeting, up to Jan. 13th, 1868, the sum of	$51 45 cts.
And paid out the sum	$35 71 "
Which left the sum of	$15 74 "

And after counting the money which Brother Winters sent to us by

his son, we found that he lacened the sum of $2 5 cts on this month's money; and also he lacened on last month the sum of $8 23 cts. So we found that Brother W. H. Winters was indebted to the church the whole amount the sum of $10 88 cts.

The following will show what the $35 71 cents was paid out for:

Paid rent of meeting house sum of..... $12 00
Paid to Layer Brown for service $12 00
Paid Bro. Robert Scott for cleaning up the church.. $7 00
509 Paid for wood & coal sum of..... $4 01 cts.
Paid for coal oil sum of..... 70 cts.

Adjourned.

JAMES H. LEE, *Clerk.*

WASHINGTON, D. C., *January 16th*, 1868.

At a deacon meeting, Brother Joseph Alexander was chosen as moderator of the meeting; Brother Laws, as clerk pro tem.

Then proceeded to business to consider the case between Brother James Lewis and the church. Brother James Lewis want to know what the church had against him cause them to turn him out of his sextonship, and it was stated to Brother Lewis what it was; but Brother Lewis contends that he did not know that he had done anything wrong; but the church consider Brother Lewis to be wrong for giving up the keys to Mr. Albert Bouldin; but Brother Lewis says that he did not know that A. Bouldin was after the keys. He sent them to the school-
510 master, not knowing; so he confest it, and give the satisfaction that he had nothing against the church whatever.

2. Second. Sister Sarah Shepherd come before the deacons to give satisfaction to the church. She is a excluded member, and she have come back, and confessed that she have done wrong, and was sorrowful for it, and give the satisfaction, and says that the Lord have forgive her, and she is willing to give the church satisfaction. The deacons then received her for the church meeting, and was satisfied.

No more was done. Close and went out.

WILLIAM LAWS,
Clerk pro tem.

511 THIRD BAPTIST CHURCH,
9th Street, Washington, D. C., January 17th, 1868.

At a regular church meeting; was open by reading and prayer; Brother W. B. Jefferson chosen moderator, and James H. Lee, clerk. Then proceeded to business:

First, Sister Sarah Shepherd give the church satisfaction, confessing that she had do wrong, and that the Lord had forgiving her wrongs; after which she was received and restored again to the fellowship of the church.

By a unanimous consent, and which taken up Brother James Lewis case. Bro. Lewis gives the church satisfaction concerning the case about the keys of the old meeting-house, corner 4th & L streets.

And after which taken up the brother' & sisters' donation, amounting to $8 20 cts.

Then read the minutes of the previous meeting, and the minutes of last church meeting was adopted unanimously.

The minutes of the trustees' board was read and referred over to next Tuesday night, Jan. 21st, 1868.

Adjourned meeting to finish unfinished business; carried by a unanimous vote.

512 Then it was resolved that the elect officers for the ensuing year. Agreed to.

Resolved, That Brother James H. Lee be re-elected as regular church clerk. Carried by a unanimous vote.

Resolved, That we pay Brother Robert Scott seven dollars per month for sextonship under present condition.

Resolved, That we re-elect all of the old trustees again for the insuing year. Carried and adopted.

The following are the names of the trustees re-elected for the insuing year: 1st, Brother Joseph Alexander re-elected trustee; 2nd, Brother John Middleton re-elected trustee; 3, Brother Willis J. Miner re-elected trustee; 4, Brother Henry Watson re-elected trustee; 5, Brother John Wiggins re-elected trustee; 6, Brother Henry Scott re-elected trustee; 7, Brother William Laws re-elected trustee; Brother William H. Winters re-elected treasur.

Resolved, That we use the Third Baptist Church, if we cannot get our meeting-house, corner of 4th and L street, by law. We are determined to raise money and buy another *another* house and lot. By the
513 help of the Lord we will try.

Resolved, That Brother John Dillard shall take care of the money that was take up to-night, & as the regular treasurer is not present. Carried and adopted. The sum of $8 20 cts.

And, after which—

Resolved, That we call a council of pastors and delegates from the regular Baptist churches from Washington, D. C., and Georgetown, D. C., and from Alexandria, Va., for the examination of our beloved Brother William B. Jefferson for ordination. Carried by unanimous vote of the church.

Resolved, That the council be called on Wednesday, January 20th, 1868, at 11 o'clock a. m., at Brother John Brooks' church. Carried by vote.

Resolved, That any member of this church is known to cary any news out of this church meeting that will be grevious, or make any fuss in this church hereafter, will be dealt with by the rules of the church. Carried and adopted.

Resolved, That any member be to make any unnessessary nois in the time of our church meeting, while in business, shall be also dealt with in like manner.

Resolved, That we invite Brother William H. Lee to administer
514 the Lord's Supper for us on Sunday, Jan. 19th, 1868. Carried unanimously.

Resolved, That we adjourn to meet on Tuesday night, Jan. 21st, 1868, at 7 o'clock, to finish unfinished buisness.

BROTHER W. B. JEFFERSON, *Moderator.*
JAMES H. LEE, *Church Clerk.*

WASHINGTON, D. C., *January 21st*, 1868.

Church meeting to finish unfinished business.

1st. Received Sister Leatha Abett for baptism.

2nd. Received Sister Emely Abett by experience of grace.

3rd. Received Bro. W'm H. Winters' report as treasurer; also he paid to the same $8 00. The church made him a present of the balance due, $2 09.

4th. Bro. William H. Winters re-elected treasurer for the ensuing year.

5th. Send Bro. John Miner a letter to cite him to appear at the next

church meeting, and bring Sister Alice Hill with him, before he
515 can get his letter. In treasury, $11 20. Paid to Bro. James Lewis, $5 00.

6th. Apointed to call a ordination for W'm B. Jefferson next Wedensday, at a 11 o'clock.

Nothing more done. Adjourned by prayer.

WILLIS J. MINER,
Clerk pro tem.

WASHINGTON, D. C., *January*, 1868.

A call meeting on January 27th, 1868; Brother William B. Jefferson chosen as moderator of.the meeting; then proceeded to business.

The first try Brother Solomon Ross, received by experience of grace for baptism. He was received by a unanimous consent of the church.

Brother James Wright was before the church. He says that the church was a stumbling block to sinners. Think that we had better try to make this thing up between you all and Bouldin, for it is just a stumbling block for sinners, so the church would not hear him.
516 The church told him to go to the Lord, and let the Lord show him which is right and which is wrong. And he says that he had been going to Bouldin, and he held a for Bouldin, so the church would not here him. They told him to go to the Lord.

No more was do. Close and went out.

BROTHER WILLIAM LAWS,
Clerk pro tem.

WASHINGTON, D. C., *January 30th*, 1868.

A call meeting. Brother William B. Jefferson chosen as moderator of the meeting; then proceeded to business.

Francis Dilward received by the experience of grace for baptism, by a unanimous consent of the church.

2nd. Brother Simon Lewis want to talk before the church, but being a member belong to a church in Virginia, since the fall of Richmond, the church could not hear him, except he would get a letter of dismission from his church in which he now belongs.

And after which it was moved that any brother that had any
517 money that he could dispose of at present, he would lend it to the church to go into her business about this law case, but object.

Brother Robinson moved that the church would try to get this money up herself, and then if she cannot get it, then she will try to get it from some good brother and pay him as soon as we can. Agreed to.

No more was done. Close by benediction and went out.

BROTHER WILLIAM LAWS,
Clerk pro tem.

WASHINGTON, D. C., *Feb. 6th*, 1868.

A call meeting. Brother William B. Jefferson chosen as moderator of the meeting; then proceeded to business.

The first thing was to know if there was any that wish to become members of the church by letter or by experience of grace.

These was on B. Solomon Banes talk before the church and was received by experience of grace for baptism, by a unanimous consent of the church as a canidate for baptism.

No more was done. Close and went out.

BRO. W'M LAWS,
Clerk pro tem.

518 THIRD BAPTIST CH.,
9th Street, Washington, D. C., Feb. 12th.

FEB. 12TH, 1868.—A meeting of the deacons' board meet and was open by si'g & prayer. Bro. Jos. Alexander, moderator; Willis J. Miner, clerk pro tem. Then proceeded to business.

It was—

Resolved, That Sister Lizzie Winfield should be excluded from this church for being in adulterous state.

Resolved, That the church give Bro. Jefferson the 4th Sunday collection for his services every month.

No more done. Adjourned.

WILLIS J. MINER,
Clerk pro tem.

THIRD BAPTIST CH.,
9th Street, Washington, D. C., February 14th, 1868.

At a regular church meeting. Was opened by prayer and reading, and Bro. W'm Jefferson chosen moderator, & James H. Lee, clerk; then proceeded to business.

First taken up the regular monthly donation, amounting to $6 01 cent.

519 2nd. And after which Sister Emely Johnson was received by experience of grace.

3rd. And after which James Wright, from A. Bouldin's party, was before the church, and desired to return to the church again, but he did not satisfy the church by his conversation, and he was not received.

4th. Then the minutes of the last church meeting was read and adopted by unanimous vote of the church.

5th. Then taken up the case of Brother John Miner concerning this getting a letter from us for himself and his wife. It was—

Resolved, That Brother John Miner and his wife should have a letter from this church to recommend him to the Mount Zion Baptist Church, Freedmen's Village.

6th. *Resolved*, That the clerk shall write a letter and send it to Mount Zion Church concerning Alice Hill not being in fellowship with us.

7th. *Resolved*, That Sister Martha Williams shall be excluded from us for being found in adultry.

8th. *Resolved*, That Sister Lizzie Winfield shall be excluded from us also for being found in adultry.

9th. *Resolved*, That Brother W'm B. Jefferson shall have the 4th Sunday collection every month for his salary.

520 10th. *Resolved*, That Bro. Robert Payne be restored to the fellowship of the church again. After he had given the church satisfaction he was received.

11th. *Resolved*, That a meeting be held on Monday night to finish unfinished business.

Adjourned. Benediction.

BRO. W'M B. JEFFERSON, *Moderator.*
JAMES H. LEE, *Church Clerk.*

FEB. 20TH, 1868.

At a call meeting, open by prayer; then proceeded to business, Bro. W'm B. Jefferson, moderator; Willis J. Miner, clerk pro tem., and heard the experience of two canidates for baptism, and was received unanimously by the church, namely, Sister Ann Homes and Brother Charles Lewis; after which it was—

Resolved, That Brother Alfred Gipson should be licensed to preach the gospel; which resolution was unanimously sustained by the church.

Adjourned by benediction.

JAMES H. LEE, *Clerk.*

521 *Resolved*, That Bro. James Wright be received; come from A. Bouldin's party. He give the church satisfaction, and was received by the church as a member.

WASHINGTON, D. C., *February 22nd*, 1868.

Names of the members of the 3rd Baptist Church: No. 1. Joseph Alexander; 2. Joseph Prier; 3. John Middleton; 4. Osker Robinson; 5. Vernon Duff; 6. Silas Homes; 7. Nero Taylor; 8. Willis J. Miner; 9. John Wiggins; 10. Henry Watson; 11. Henry Scott; 12. William Laws; 13. Peter Williams; 14. Antony ; 15. George Duff; 16. John Wright; 17. Robert Hamilton; 18. John Dillard; 19. Charles Danel; 20. Carter Biles; 21. Norris Dillard; 22. William Grant; 23. Richard Burley; 24. William Harris; 25. Andrer Dixon; 26. Aron Carter; 27. Martha Moton; 28. Melford Johnson; 29. John Brome; 30.
522 James Calmon; 31. James Lewis; 32. Simon Lewis; 33. William B. Jefferson; 34. James H. Lee, clerk; 35. Salmon Rose; 36. Richerd Brom; 37. Clemes Cunyhery; 38. Robert Scott; 39. John ; 40. Jems Blason; 41. William Talce; 42. Edward Helen; 43. Tharton Persel; 44. Edward Nelson; 45. Moses Nix; 46. Jerry Jefferson; 47. Bengemen Cackly; 48. Armsterd Libra; 49. Charles Lewis; 50. Heny Colmon; 51. Thanan Sttith; 52. William Stord; 53. King Camel; 54. Jemes Mith; 55. Salmon Bary; 56. Washington Tiylor; 57. John Tinny; 58. Richard Bally; 59. Jemes Gray; 60. Robert Payn; 61. Jerem Gr; 62. John Grenn; 63. Gorge Wil; 64. Thomas Homes; 65. Lewis Bill; 67. Frank Shaw; 68. Archer Eles; 69. William Eles; 70. Strather Winslo; 71. Peter Dayles; 72. Samuel Johnson; 73. Sandy Toliver; William Henry Winre; John More; Sept. Johnson; Henry Arleha; Paten Johnson; Peter Burl.

Names of those who will pay so mutch to the amount of 50 0: 1. John Dillard, 25 00; 2. John Muditor, 25 00; 3. W'm Winter, 5 00; Silas Harris, 25 00.

523 WILLIS J. MINER, *Clerk.*

TRUSTEE BOARD THIRD BAPTIST CHURCH,
9th Street, 23*rd*, 1868, *Washington, D. C.*

The trustee board meet to straighten up the accounts. Then proceeded to business,

First, looked over the books to see how much money was taken up from January 17th up to February 14th, 1868; and, after having looked faithfully over the books, we found that we had taken up the sum of $57 55 cts., and the whole amount paid out was the sum of $43 03 cts., and the balance that remained in the treasury was the sum of $14 52 cts.

Adjourned.

JAMES H. LEE, *Church Clerk.*

THIRD BAPTIST CHURCH,
9th Street, Washington, D. C., Monday Night, March 9th, 1868.

The board of the trustees meet to attend to business. After having looked faithfully over the books, we found that we had taken up, from Febuary 14th up to March 9th, 1868, the sume of $31 10 cents, and the

whole amount paid out was the sume of $30 00, and the balance left in the treasury was the sume of $1 10 c'ts. The totle amount is
524 $31 75 cts.
Adjourned.

JAMES H. LEE, *Church Clerk.*

3RD BAP. CH., 9TH STREET,
March 1st, 1868.

At a call meeting, Brother W'm Jefferson chosen moderator; James H. Lee, clerk. Then proceeded to business, and heard the experience of two candiates. Sister Kesiyia Reed was received as a candate for baptism. Sister Francis Strother was also received as a canadate for baptism. Sister Betsey Walden was received as a canadate for baptism. No more was done.
Ajourned.

JAMES H. LEE, *Church Clerk.*

525 WASHINGTON, D. C., 1868, *March the* 10.

Names of the sisters of the 3d Baptist Church, 9th st.: Sister Betsy Scott, 1; Sis. Ann Barkly, 2; Sis. Tancy Dilworth, 3; Sis. Leathes Jemes, 4; Sis. Lethes Abetcet, 5; Sis. Sarh Shepardson, 6; Sis. Lucy Woodeson, 7; Sis. Marcia Michell, 8; Sis. Tamea Larde, 9; Sis. Sally Bussell, 10; Sis. Tebe Lewis, 11; Sis. Betty Lewis, 12; Sis. Lizzey Hamilton, 13; Sis. Hannah Fealds, 14; Sis. Sallie Smith, 15; Sis. Tyney Shelton, 16; Sis. Mary Washington; Sis. Betsey Spiller; Sis. Mettila Winslow; Sis. Rockesy Woodfork; Sis. T.; Sis. Lizzey Colmon; Sis. Judy Shelton; Sis. Judy Russell; Sis. Ann Brooks; Sis. Winney Roberson; Sis. Peggy Jefferson; Sis. Elezia Davenport; Sis. Persiler Harr; Sis. Emly Brown; Sis. Emly Johnson; Sis. Winna Moton; Sis. Susan Baron; Sis. Metilda Brown; Sis. Jane Porter; Sis. Jenny White; Sis. Harriet Wright; Sis. Jane Wright; Sis. Hester Sheldon; Sis. Mary Alexander; Sis.
526 Mary Priar; Sis. Lucy Priar; Sis. Mary Harris; Sis. Emma Dillard; Sis. Eliza Laws; Sis. Ellen Rixey; Sis. Maria Fields; Sis. Henrietta Bumry; Sis. Emly Abot; Sis. Hester Carter; Sis. Chora Abot; Sis. Harriet Morton; Sis. Mary Gray; Sis. Martha Miner; Sis. Ellen Warner; Sis. Ann Shelton; Sis. Emely Carter; Sis. Nancy Nicklass; Sis. Caroline Lead; Sis. Sarah Tayler; Sis. Delpey Winters; Sis. Jane Lewis; Sis. Nelly Brown; Sis. Jane Fredricks; Sis. Adeline Scott; Sis. Mary Rone; Sis. Abey Marton; Sis. Sallie Wallac; Sis. Rachel Miles; Sis. Mary Conner; Sis. Roda Middleton; Sis. Catherine Roberson; Sis. Mandy Cartine; Sis. Mary Pollord; Sis. Mary Parfialet; Sis. Margaret Allen; Sis. Lucy Johnson; Sis. Millie Jones; Sis. Sarah Williams; Sis. Ellen Payn; Sis. Susannah Brown; Sis. Mary Ashley; Marea Johnson; Millie Jones; Melendy Waine; Sarah Boutty; Patesy Webster;
527 Rachal Julis; Becky House; Ellen Burly; Mary More; Emely Newnon; Caroline Curry; Mary Howard; Lucy Ann Ferkson; Lucy Scott; Mehally Brown; Nancy Wins; Fanny Minor; Elizabeth Allen; Ellen Wing; Matha William; Metildy Prior; Metildy Perry; Idea Narks; Malay Munroe; Mily Malven; Ann Mare; Mary Quitey; Catherne Winfeild; Katy Winslow; Judy Rusel; Jane Lusenbury; Nantcy Willian; Metildy Tate.

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528 WASHINGTON, D. C., *March 10th*, 1868.

Meeting of the decon borde, open by praer. W'm B. Jefferson, moderator; Willis J. Miner, clerk pro tem. Motion to hear canidats for membership.

1. Heard Sister Tanny Miner experience of grace.

(2.) Heard Sister Martha William, who was excluded from us a shorte time ago, and instructed then to appear at church meeting on Friday night, th 3, 1868.

3d. Motion to raise five hundred dollars ($500) for the use of the church, and a commity will bring tharefrom ampel satisfaction in a shorte time.

4th. Motion to send a commity of 5 to site all the members that is now following A. Bouldin to appear at church meeting and show why they are not with us; if fail to come, they will be delt with by the displine.

No more done. Close by benediction.

529 Committee names: 1, Ja's Alexander, 1; 2, Jos. Prier; 3, John Middleton; 4, Silas Homes; 5, Nero Taylor; 6, Vernon Duff; 7, Auskin Robeson.

WILLIAM B. JEFFERSON, *Moderator.*
WILLIS J. MINER, *Clerk pro tem.*

WASHINGTON, D. C., *March* 13, 1868.

Regular church meeting at 3rd Baptist Church, 9th st. Open by prayer & reading by Brother W'm B. Jefferson, moderator; Willis B. Minor, clerk pro tem. Then proceeded to business.

1st. Reading of minutes of last meeting; the same was adopted.

2nd. Reading of minutes of the deacon board; adopted.

3rd. Heard the canidates for baptism:

1st. Sister Tanny Minor.
2nd. Sister Matilda Perry.
3rd. " Martha Williams.
4th. " Elizabeth Allen.

Returning to church, received Sister Ellen Winn.

6th. Heard Sister Judy Branch; received under watch care untill she writes for her letter from her church in Va.

530 After which heard the report of the committee of 5, who were sent to cite all the members that was following A. Bouldin. The chairman of the committee called out the names of them that was cited to appear at church.

The names of members: 1, Sisters Prisilla Bouldin; 2, Silva Bouldin; 3, Julius Bouldin; 4, Essex Robinson; 5th, Susan Hubard; 6, Emely Butler; 7th. Patsey Luckus; 8, Johana Harris; 9th, Agnes Robinson; 10, Lucy Newton; 11, Eliza Taylor; 12, Nancy Thornton; Edward Dixon; Geo. Foster; all of whom were turned out by a unanimous vote of the church.

Next taken up were the regular donation; am't, $7 50.

Next read the report of the trustees, & adopted.

Resolved, To raise $500 00 for the church; agreed to.

Next to publish the names of all the members, was turned out, in all the churches.

Paid for house rent, $12 00; for sexton, $7 00; bread & wine, 2 50.

Motion to adjourn to meet on Thursday night to finish unfinished business.

531 THURSDAY NIGHT PROCEEDING.—Met and opened by prayer. Motion to send 5 committees to cite all the members that was not present Friday night last. The trustees was instructed to use all power of the church in raising the sum of $500 00, and the will pay it; but nothing more. Motion to adjourn.

WASHINGTON, D. C., *March 29th*, 1868.

Third Bap. Ch. A call meeting to rec'd a canidate. Brother Joseph Pryor chosen moderator. The sister was heard, and was rec'd by a unanimous vote of the church as a canidate for baptism. No more was done.

JAMES H. LEE, *Church Clerk.*

532 *A list of members received in church for baptism.*

1. Sister Maria Johnson, a canidate for baptism.
2. Sister Metildia Brown, " " "
3. Sister Peggia Jefferson.
4. Brother Solomon Ross.
5. Sister Frances Dillard, not baptice.
6. Sister Mary Harris, " " " "
7. Sister Lethia Abbett, " " " "
8. Brother Solomon Bayes.
9. Brother Charles Lewis.
10. Sister Ann Homes.
11. Sister Kiszia Reed.
12. Sister Francis Strother.
13. Sister Betsy Walden.
14. Sister Phillis Sheldon.
15. Sis. Tannie Miner.
16. Sis. Sally Smith.
17. Sis. Metildia Perry, " " "

These were all baptized on the third Sunday in March, 1866, by Rev'd Sandy Alexander, pastor, from Georgetown, D. C.

JAMES H. LEE,
Church Clerk.

533 THIRD BAPTIST CHURCH,
9th Street, Washington, D. C.

A regular church meeting was held April 17th, 1868; was open by reading, and prayer was offered by Brother William B. Jefferson, the moderator.

Then the (1st) minutes of the last meeting were read and approved.

2nd. After which called for the regular monthly dues of the church. The amount taken up was the sum of $8 30 cents.

3rd. After which Sister Lucy Taylor requested her letter of dismission to Brother John H. Brooks' church.

4th. *Resolved*, That Sister Taylor shall have her letter. Carried by a unanimous vote of the church.

5th. Sister Joanner Turley requested her letter of dismission to Brother D. W. Anderson's church, 19th street.

6th. *Resolved*, That Sister Joanner Turley shall have her letter; which was carried by a unanimous consent.

7th. Sister Ellen Wing requested her letter of dismission.

8th. *Resolved*, That Sister Ellen Wing shall have her letter; which was agreed to by the majority of the church.

9th. After which Sister Clarrissa Allen requested her letter of dismission to go in Virginia to live.

534 10th. *Resolved*, That Sister Allen shall have her letter. Carried unanimously by the church.

11th. After which the minutes of the deacons' board was read and approved.

12th. After which, it was—

Resolved, That we shall take down the names of all those who will lend money to the church, and all those who will subscribe as much as they can, to be paid by the first of May, 1868.

The following are the names of said persons to try to raise the amount of $500, to help the church out of her trouble:

13th. Mrs. Hannah Finney will lend to the church the sume of ten dollars, ($10 00.)

14th. Brother John Green will give ($5 00) five dollars to the church by the first of May.

15th. Brother Peter Williams will lend to the church by the first of May ($20 00) twenty dollars.

16th. Brother Silas Homes promis to lend to the church by the first of May the sume of ($20 00) twenty dollars; and, also, he will give the church five dollars, ($5 00.)

17th. Brother John Middleton will give to the church ($10 00) ten dollars.

18th. Brother John Dillard will loan to the church the sume of twenty-five dollars, ($25 00.)

535 19th. Brother William H. Winters will give the sume of five dollars, ($5 00.)

20th. Brother Robers Scott will give the sume of $2 50ct.

21st. And after which it was—

Resolved, That those members from A. Bouldin's who was notified to appear at the meeting to give satisfaction to the church for their absens from the church should be excluded from us. The following are the names of said persons who was notified to appear: William Scott, and Marier Roberts; these 2 were excluded.

23rd. *Resolved*, That we have excluded all those menbers that was with A. Bouldin as fair as we can reach.

24th. *Resolved*, That we call a council of ordained ministers to examine into the ministerial conduct of Albert Bouldin. Carried by a unanimous vote of the church.

25th. *Resolved*, That the council shall be held in the 13th-street Baptist Church, bet. G and H streets, on Thursday, April 23rd, 1868, at 11 o'clock p. m.

26th. Paid for rent, $12 00. Paid for bread and wine, $2 50cts. Paid for sexton, $7 00.

No more done. Adjourned by benediction.

JAMES H. LEE,
Church Clerk.

536 WASHINGTON, *May 3th*, 1868.

Colection taken up in the morning:

Sister Mary Washington	$1 00
Bro. William H. Winters	5 00
Mrs. Hanmah Franny	10 00 lone.
Bro. King Kimed	2 00
Bro. Hampilton	1 00
Sister Hamplilton	1 00

Bro. Alfort Clation	2 00	
Bro. Newman Duff	1 50	cents.
Bro. Mathew Mattian	1 00	
Bro. Aren Carter	1 00	
Bro. Antony Foster	1 50	cents.
Bro. Robert Pain	1 00	
Bro. Joseph Alexander	2 00	
Bro. Neroah Taylor	1 00	
Bro. Joseph Pryer	1 00	
Bro. Egbert Homes	10 00	lone.
Bro. John Clation	1 00	
Mr. Charles Newman	2 00	
To the amount	$45 00	

537 WASHINGTON, D. C., *May 11th*, 1868.

Meeting trustee borde; Ja's Alexander call to the chir; after examining the papers, finding them to be correct—

1st. The amount taken up this month ending May the 15th is the sume of $60 98

Paid out the sa $46 94

Left in trazery $14 04

No.

Paid out for house rent	$12 00
for oil	$1 90
for bread, wine	$2 50
for sexton	$7 00
to pastor	$12 00
for sarvises	$1 50
Tolle	$60 98

Sent to the Baptist confrencence at th 19th-st. Church, $6 00.

WILLIS J. MINER, *Clerk*.

538 *Exhibit C.—List of names of those holding with complainants.*

THIRD BAPTIST CHURCH,
Corner of 4th & L street, Washington, June 21st, 1867.

The following are the names of members that drawed out from Albert Bouldin, and would not follow him in his wrongs:

1. Brother James H. Lee, ch. clerk.
2. " Joseph Alexander, deacon & trustee.
3. " Joseph Prior, deacon.
4. " Austin Robinson, deacon.
5. " John Middleton, deacon & trustee.
6. Brother Vernon Duff, deacon.
7. " John Wiggins, trustee.
8. " Henry Watson, trustee.
9. " Willis J. Miner, trustee.
10. " Edward Hilman.
11. " Watson Brown.

12. Brother Moses Mix.
13. " Robert Scott.
14. " Joseph Lovers.
15. " James Vinerson.
16. " Andrew Jackson.
17. " William Stwarth.
18. " Stephen Jones.
19. " William Elson.
20. Brother Peter Williams.
21. " Edward Nelson.
22. " Anthony Foster.
23. " Robert Ford.
24. " William Tabb.
25. " George Webb.
26. " Jesse Jefferson.
27. " John Thomas.

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28. Brother Richard Berley.
29. " Robert Hamilton.
30. "
31. " Samuel Johnson.
32. " King Cambell.
33. " James Gray.
34. " William Lewis, trustee.
35. " Silas Homes, deacon.
36. " John Dillard.
37. " Henry Scott, trustee.
38. " James Webb.
39. " Nero Taylor, deacon.
40. " Samuel R. Hunter.
41. " John Green.
42. " Joseph Edlow.
43. " Richard Brown.
44. " Nelson Conner.
45. " Benjamin Cokely.
46. " Frank Shands.
47. " John Johnson.
48. " Henry Coleman.
49. " Thomas Smith.
50. " John Miner.
51. Brother George Duff.
52. " Sandy Toliver.
53. " Noah Dillard.
54. " William Shelton.
55. " Washington Tyler.
56. " William Piemount.
57. " Melford Johnson.
58. " James Blam.
59. " Archie Ellis.
60. " Mathew Moton.
61. " Aron Carter.
62. " James Coleman.
63. " John Wright.
64. " James Crushingbury.
65. " Robert Payne.
66. " Peter Ginkins.
67. " Harry Grimes.
68. " William Simpson.
69. " Amos Lewis.
70. " William B. Jefferson.
71. " Albert Washington.
72. " William H. Winters, treasurer.
73. " W. Adlaw.

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74. Brother William Gressey.
75. " William Grant.
76. " Noah H. Fields.
77. " George Jackson.
78. " Peter Douglass.
79. " James Taylor.
80. " Richard Pollard.
81. " Alexander Richards.
82. " Adderson Carter.
83. " Henry Huse.
84. Brother Robert Banks.
85. " Peter Johnson.
86. " Sthoard Winslow.
87. " William Brinet.
88. " John Finney.
89. " Thornton Russell.
90. " Edward
91. " Charles C. Daniel.
92. " James Lewis.
93. " Henry Miner.

Names of members received since Nov. 10th, 1867.

94. Brother Solomon Ross.
95. " Carter Gibbs.
96. " Paton Johnson.
97. " Solomon Bayes.
98. " Charles Lewis.
99. Brother James Wright.
100. " Alfred Gipson.
101. " Benjiman Henson.
102. " Joseph Cook.
103. " Charles Pratt.

541 *Names of sisters.*

1. Sister Ellen Rixley.
2. " Tiney Shelton.
3. " Kitty Grey.
4. " Nelly A. James.
5. " Maria Michell.
6. " Susan Brown.
7. " Margaret C. Allen.
8. " Ellen Beveley.
9. " Annie Berkley.
10. " Rebeacca Huse.
11. " Mary Conner.
12. " Francis Miner.
13. " Emily Carter.
14. " Febey Lewis.
15. " Ann Shelton.
16. " Rose Duff.
17. " Catharine Robinson.
18. " Silver Cook.
19. " Mary Ann Coats.
20. " Cordelia Tutts.
21. Sister Metildia Pryor.
22. " Emily Dillard.
23. " Betsey Scott.
24. " Maria Feilds.
25. " Lettia James.
26. " Julia Shelton.
27. " Lizzie Winfield.
28. " Winnia Moton.
29. " Abrilley Moton.
30. " Jane Foster.
31. " Mandia Cassteel.
32. " Frances Ford.
33. " Sarah Taylor.
34. " Mary Quiets.
35. " Francis Washington.
36. " Mary Reves.
37. " Orrener Brown.
38. " Lucy Johnson.
39. " Mary C. Howard.
40. " Kitty Ann Winston.

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41. Sister Louisa Conner.
42. " Catherine Robinson.
43. " Barbra Gray.
44. " Mary Fairfax.
45. " Emely Brown.
46. " Betsey Webster.
47. " Melvinia Robinson.
48. " Ellen Warner.
49. " Susan Miner.
50. " Ann White.
51. " Adline Scott.
52. " Mary Walker.
53. " Vergin White.
54. " Lucinda Pryor.
55. " Susan Basa.
56. " Martha Weeddin.
57. " Mary Turles.
58. " Charlotte Moore.
59. " Emely Newman.
60. " Agnes Jackson.
61. " Melendea Williams.
62. " Sarah Boadley.
63. " Hester Shelton.
64. Sister Frances Downs.
65. " Rachel Miers.
66. " Harriet Moton.
67. " Hester Carter.
68. " Elizabeth Hamilton.
69. " Mahalia Washington.
70. " Harriet Rone.
71. " Matha Miner.
72. " Lucy Jackson.
73. " Nancy Nickolls.
74. " Jane Cushingbury.
75. " Lizzie Tylor.
76. " Lizzie Evans.
77. " Melvinia Gipson.
78. " Lucy James.
79. " Mahalia Griveous.
80. " Julia Ann Johnson.
81. " Charlotte Bankings.
82. " Martha Lewis.
83. " Nelly Brown.
84. " Jane Lewis.
85. " Delfie Winters.
86. " Clarresia Allen.

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87. Sister Julia Russell.
88. " Emely Lewis.
89. " Mary Ann Rone.
90. " Caroline Gramer.
91. " Catherine Gray.
92. Sister Sally Russell
93. " Betsey Spillor.
94. " Caroline Jackson.
95. " Rebeccer Daniel.
96. " Ellen Bevely.

97. Sister Milley Feilds.
98. " Mary Wright.
99. " Eliza Laws.
100. " Ellen Payne.
101. " Elizabeth Coleman.
102. " Metildia Winslow.
103. " Lucy Cole.
104. " Eliza Debenport.
105. Sister Prissillia Harris.
106. " Milley James.
107. " Jennie McKenzey.
108. " Mary Butler.
109. " Pega Jefferson.
110. " Metildia Brown.
111. " Harriet White.
112. " Louisa Scott.

Members rec'd since Nov. 10th, 1867.

113. Sister Maria Johnson.
114. Sis. Pega Jefferson.
115. " Mary Harris.
116. " Frances Dillard.
117. " Lousia Scott.
118. " Harriet White.
119. " Joanner Turley.
120. " Mary Wright.
121. Sis. Rodia Middleton.
122. " Eliza Homes.
123. " Nancy Willard.
124. " Mary Edwards.
125. " May Gray.
126. " Lethia Abbett.
127. " Emely Abbett.

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128. Sister Ann Homes.
129. " Keszia Reed.
130. " Frances Strother.
131. " Betsey Walden.
132. " Phillis Sheldon.
133. " Fannie Miner.
134. Sister Sarah Smith.
135. " Metildia Perry.
136. " Martha Green.
137. " Annie Jackson.
138. " Lucy White.
139. " Sarah Shepherd.

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545 *Exhibit D.—List of names of those holding with Bouldin.*

James H. Lee, clerk.—No. 3.

THIRD BAPTIST CHURCH, *Washington, D. C.*

A regular church meeting, Nov. 3rd, 1867, it was resolved that the 7 deacons be appointed to go and notify all of those members who stay away from us every since June, 1867, and as we are now regarded as the de facto Third Baptist Church, colored, of Washington, D. C., we deem it right to notify you all as sisters and brethren to meet with us in our next regular church meeting, to render satisfaction to the Third Baptist Ch. for your being absent from this body, which have been regarded by a council of pastors and delegates from Washington, D. C., and from Georgetown, D. C., and from Alexandria, Va.; and if you all will not appear and render satisfaction to the above church named, we will be compelled to exclude you all, every one that do not comply with our discipline; and we will exclude you all, namely, we not at-
546 tempt (Nov. 10th, 1867) to exclude 25 or 30 at once, as you sayed that you excluded 40 members at once.

The following are names of members who are to be notified to meet with us in our next regular church meeting: 1. Sister Priscilla Bouldin;

2. Sis. Agnes Robinson; 3. Bro. Edward Dixson; 4. Bro. Mansen Robinson; 5. Sis. Emely Butler; 6. Sis. Silvea Bouldin; 7. Bro. William Pearson; 8. Sis. Rachel Jiles; 9. Sis. Eliza Payne; 10. Sis. Lucy Newton; 11. Sis. Adeline Lewis; 12. Sis. Nancy Thornton; 13. Bro. Julous Bouldin; 14. Bro. Esex Redford; 15. Sis. Betsey Taylor; 16. Sis. Joanner Harris; 17. Sis. Patsey Lukeous; 18. Sis. Susan Hubbert; 19. Sis. May Fay; 20. Sis. Marier Smith; 21. Sis. Marier Bedford; 22. Sis. Eliza Meridith; 23. Bro. George Foster.

BROTHER JOSEPH ALEXANDER, *Moderator.*
JAMES H. LEE, *Church Clerk.*

547 ***Exhibit E.—Proceedings of first council, June 26, 1867.***

WASHINGTON, *June 21st*, 1867.

The following are the charges held by the 3rd Bapt. Church of Washington against Rev. A. Bouldin, namely:

1st. He refuses to inform the church in regard to her financial condition, and holds in his possession the papers and books belonging to the church.

2nd. He stopped Brother Alexander (a deacon) from communing because he called a meeting of the church to raise money to pay for the meeting house and lot.

3rd. He claims the meeting house and lot, and says that the members have not paid a dollar on them.

4th. He is guilty of calling his members very unchristian names, such as fools, liars, niggers, and contrabands.

5th. He has refused to grant pardon to members against whom he had grievances, after they had repeatedly asked his forgive-
548 ness.

FRIDAY, *June 21, '67.*

Council, after refusal of an house to sit in, adjourned to the house of 2 Baptist Church, Washington. D. W. Anderson was chosen moderator & William J. Walker, clerk. Prayer by G. W. Parker.

1. A committee appointed by the chair to enform Rev. Albert Bouldin that the council was organized, and wished him to come with all the books, papers, and all the evidence at his command, to disprove the charges against him which might be brought against him by his disaffected brethren.

1 B. Church—Sandy Henderson.
1 B. " Alexandria, V.—Douglass. } Committee.
Alexandria, V.—Dea. White.

Report of committee.

Brother Bouldin says he will not meet the council, nor send
549 the church books to the council.

After the call for the council was read, and the delegates answered to their names, which are as follows:

1 B. Church, Washington, D. C.....D. W. Anderson, pastor.
Dea. W. Coke.
" A. Burk.
" C. Clark.
2 Baptist Church.....Br. Dickson.
Shiloah B. Church.....W. Childs &
W. J. Walker, pastor.

5 B. Church.....D. Walker.
Eanon.
M. V. Wright.
1 B. Church, Georgetown.....C. Williams, (present.)
1 B. Church, Alexandria, Va.....S. W. Madden, pastor.
Br. Douglass
Bula B. Church, Alex., Va.....Deacon Johnson & Clark.
Zion B. Church, " .....Sheapherd & Brooks.
3 B. Church, Alex.....G. W. Parker, pastor.
Dea. White.
1 Church on Island.....W. H. Lee, pastor.
Dea. S. Bandus.

Invited D. G. W. Sampson, Columbia College.

1st. The charges were read which the brethren prefer against
550 Brother Albert Boulding.

After the delegates heard the statements for & against, decided that they thought all the charges were sustained, and appointed a committee of five to advise Eld. Bolden to bring all his books and *books* papers and witnesses to meet his acqusers on Wednesday, 6th June, at 3 o'clock p. m., at 2 Baptist house of worship, and that committee wait on him on Monday next, at 3 o'clock.

Committee: D. W. Anderson,
Dea. Burk,
" Dixon,
Childs,
Shippen, committee.

Another committee on records: M. V. Wright, S. W. Madden, C. Clark.

All to report on Wednesday, June 26, 1867.

Benediction Dr. Sampson.

551 WASHINGTON, *June the 24th*, 3½ *o'clock p. m.*

To the council called to settle the 3rd Baptist Church "disaffection:"

Your committee called on Eld. Albert Bouldin at his house and found him pleasant. He showed us his church record; the deed of the property made to the trustees for the use of the 3rd Baptist Church of Washington. We find the organization of the church correct, only the officers were not chosen in the organization. Eld. Albert Bouldin was chosen pastor on the 17th day of July, 1858. We requested him to meet you in council on Wednesday, the 26th instant, 3 o'clock, at the house of the 2nd Baptist Church.

All of which we submit.

D. W. ANDERSON,
DEA. W. COOKE,
DIXION,
W. CHILDS,
DEA. W. SHIPPEN,
Committee.

552 WASHINGTON, D. C., *June* 26, 1867.

Council met at the meeting-house of the Second Baptist Church pursuant to adjournment.

The report of the committee appointed by the council to wate on A. Boulden, inviting him to be present with the council and bring the

books and papers belonging to 3d Baptist Church, for the purpose of having all things pertaining to the unhappy difficulty settled and speaking in his own defence, was that A. Bouldin would not meet with the council in the meeting-house of the 2d Baptist Church, but if the council would meet in the house of the 3d Baptist Church, he, A. Bouldin, would meet and make a full surrender of the books and papers in his possession. The report was received by the council, and the council accepted the invitation of A. Boulden, and proceeded to the meeting-house of the 3d Church.

When the council reached the house they found A. Boulden
553 and some forteen others singing hymn 282, "Rock of ages cleft for me." (Cor.: "How shall I forget the ?")

The moderator of the council advanced with extended hand and asked A. Bouldin if the council was welcome, if so, make a speech to that effect, which A. Boulden did by bidding the council welcome. The moderator then stated the call of the church and why the council had convened. A. Boulden then brought forward the books and papers and delivered them up to the council. The council appointed G. W. Parker, ch., S. W. Madden, clerk, Sanda Alexander, D. W. Anderson, W'm J. Walker, as a committee to audit the books and papers, which they did to the expresed satisfaction of A. Boulden, leaving the church, according to the notes of A. Bouldin held against them, some two thousand dollars and a little over, which he, Boulden, stated was all correct, and the church agreed to pay the amount.

G. W. Parker was then instructed to hand the books and papers over to the church clerk, Bro. Lee, and also to instruct the church that if they wished to change relations with there present pastor or the pas-
554 tor with the church, each should give 3 months' notice. Upon this announcement A. Boulden made a rush for the books and papers of the church, claiming to be a lifetim pastor.

The council having accomplished its mission in love for the caus of Christ, it adjourned by benediction.

D. W. ANDERSON, *Moderator.*
W. J. WALKER,
Clerk of the council cald by the Third Baptist Church, (col'd,) Washington City, D. C.

555 *Exhibit F.—Proceedings of second council, October* 30, 1867.

WASHINGTON, D. C., *Oct.* 24, 1867.

At a meeting held by the 3d Bap. Colored Church of Washington, on the day aforesaid, it was resolved that a council be called:

Therefore we call a council to be held on the 16th of Oct., 1867, for the purpose of determining which is the 3d Baptist Church of the above-named city.

And we was advised by the Phil. Bapt. Association to call the above council, composed of all the Baptist churches of the city who will meet with us.

Therefore the council met, and having no credentials from that associations, they adjourned to meet at the call of the committee that was appointed by the association; and having since received notice to call the said convention—

Therefore, it was resolved that a council of the Baptist churches of the city of Washington, Georgetown, & Alexandria, & Freed-
556 man's Village, to determine which is the de facto church.

Therefore resolved, That we meet in the 2d Baptist Church Oct. 30th, 1867.

The following-named churches are invited to attend:

1st Bap., Georgetown.

19th st. " Washington.
13 " " " "
Shiloah " " "
4th " " "
5th " " "
Calvary," " "
Zion, " " "

Isl. Baptist.
2nd "
1st " Navy Yard.
2nd " "
1 " Island.
6th.

Alexandria, Va.:
1s Bap., "
3d " "
4th " "

Dr. Samson, Hon. Pollorn, Prof. Shule.
Mount Zion, Freedman's Village.
Benhunk Baptist, Alexandria, Va.

J. H. LEE, Clerk.

557 WASHINGTON, *Oct. 24th*, 1867.

At a meeting held by the 3rd Baptist Church, it was resolved that a notice be sent to those grevious,members from us for to appointe a committee of five men to meet with a committee of five men from us on Friday night, Oct. 25th, 1867; and the notice was sent, and our committee meet on Friday night, Oct. 25th, but none of there committee was present.

So we adjourned to meet again on Sunday, at 11 o'clock p. m.

The names of the committee:

Bro. James H. Lee 1
" James Dillard 2
" Joseph Alexander 3
" Silas Homes 4
" Henry Scott 5

JOSEPH ALEXANDER,
Chairman of the Committee.
1st. JAMES H. LEE, *Secretary.*

558 WASHINGTON, D. C., *Sunday, Oct. 27th*, 1867.

The commitee met at 11 o'clock a. m., at the corner of 4th and L street, as we was appointed. The other party said that all of these brethren was not present, so they appointed us to meet them again at one o'clock p. m., and the committee met again at one o'clock p. m., and they said they had not all of the commitee there, so they appointed there committee of five men to meet with us on Monday, Oct. 28th, at 7 o'clock p. m., in the above place desegnated.

The names of the committee:

Brother James H. Lee 1
" Joseph Alexander 2
" John Dillard 3
" Silas Homes 4
Brother Henry Stott 5

BRO. JOSEPH ALEXANDER,
Chairman of the Committee.
2nd. JAMES H. LEE, *Secretary.*

559 THIRD BAPTIST CHURCH,
Washington, D. C., Oct. 28th, 1867.

A committee of five brethren was appointed from each side to meet on Monday, Oct. 28th, at 7 o'clock p. m., in the house of worship, corner of 4th and L street, to try to make a muchel agreement, that is, to move wether they would agree to meet with us in a council on the 30th of Oct., Wedensday, at 11 o'clock a. m., in the 2nd Baptist meeting-house; and the committee that we sent out meet on the above date at the place desegnated, and there was sent out one of the other commitee present, namely, Julas Bouldin; so we could not get any satisfaction because they did not meet with us as they said they would.

The report of the committee.

The following are the names of the commitee that was sent from our side, and all was present:

Bro. James H. Lee 1
" Joseph Alexander 2
" John Dillard 3
Bro. Silas Homes 4
" Henry Scott 5

No business; adjourned.

BRO. JOSEPH ALEXANDER,
Chairman of the Committee.
3th. JAMES H. LEE, *Secretary.*

560 WASHINGTON, D. C., *Oct. 30th*, 1867.

A council of pastors & brethen this day, at the house of worship owned by the 2d Bap. Church, of Washington, pursuant to invitation from the 3d Bap. Church, for the purpose of settleing the difficulties existing between said church membership, and Rev. A. Bouldin as their pastor, and a few adherents, as to which is de facto the 3d Baptist Church.

The council was organized by the choice of the Rev. D. W. Anderson, moderator, and Rev. William J. Walker, clerk; prayer by John M. Polan, of the I-st. Bap. Church.

The moderator, after stating the object for which the council was called, he then caused to be read the resolution of these brethren and the letter from Rev. Dr. Malcom, chairman of the board appointed by the association to settle this difficulty.

The following churches were represented:

19 st. Bap. Church ..... D. W. Anderson.
2 " " " ..... H. S. Payton.
561 2 st. Bap. Church ..... Fetchen.
19 st. Bap. Church ..... Deacon W. Clark.
Shiloh ..... W. J. Walker.
" ..... W. Childs.
4th " " ..... H. Baytey.
" " " ..... Purnell.
5 " " ..... J. H. Brooks.
" " " ..... Dea. Laton.
Zion " " ..... Shippen.
" " " ..... H. Brooks.
Sixth st. " ..... W. H. Lee.
" " ..... Lea, Nokes, & Frayzer.
Canon " " ..... John Stuart.

ALEXANDRIA, VA.

	1st Baptist	S. W. Madden.
	" "	Ja's Webster.
	" "	Dea. Sumes.
	3d "	G. W. Parker.
	" "	Dea. White.
	Shiloh "	S. Brown.
	" "	Williams.
562	Arlington, Va.	W. Simpson.
	" "	S. Jones.
	" "	J. Taylor.

By invitation, Bro. Polar, of I-st. Bap. Church, seventeen churches were invited, all in the District, regardless of color, and 12 were fully represented.

Two brethren were then sent and informed the white ministers of the District that the other churches were organized as directed by the letter of Dr. Malcolm and desired their co-operation in this affair; none could come.

After the charges were read and examined by the council, being proven by many witnesses:

1*st. Resolved*, That the Rev. Mr. Bouldin has violated all claim to ministerial regard from these members.

2*d. Resolved*, That we regard him unjustifiable in any of his acts which bear to the seperation of his party and the great majority of the church.

563 After the resolution was offered & while under consideration, the members was called to stand on their feet, and 85 stood up, and there were found on the church books, claiming to be seperated from Bouldid, 202, including all the trustees named on the deed, and all the deacons of the church who were regularly elected before the seperation; finding Mr. Bouldin to have fifteen members with him.

3*d. Resolved*, That we regard the exclusion by Bouldin of two hundred members by fifteen, and those two hundred excluded en masse without any examination of individual offence, to be wrong and extremely wicked. And we regard the 3d Bap. Church to be those said to be excluded by Bouldin, and request the Phil. Association to do the same.

4*th. Resolved*, That these brethren done right in excluding Bouldin from the 3d Bap. Church for going to law, and imprisioning the clerk of the true church, and swearing falsely, as they regard it.

A true copy:

REV. W. A. ANDERSON, *Mod.*
REV. W. J. WALKER, *Clerk.*

564 *Exhibit G.—Proceedings of third council, May* 4, 1867.

To the Baptist pastors of Washington, D. C.

DEAR BR'N: At the request of our colored br'n interested the following statement & suggestion is submitted:

A statement is published that, at a meeting held as a council with the Third Colored Church of Washington, the right hand of fellowship was withdrawn from Rev. Messrs. W. J. Walker, D. W. Anderson, G. W. Parker, S. Alexander, & J. V. Wright.

Three of these bro. have been known to me for many years, and are universally recognized as among the most reliable and devoted of pas-

tors. Assured that some error has been committed in the published report, and convinced that justice to the br'n mentioned, and to the interests of the cause generally, require that the difficulty which has led to this injurious report be properly settled, the undersigned makes
565 the following suggestion:

That a council of all the Baptist pastors & ministers of the District be called at Shiloh Church, L st., bet. 16 & 17, on May 4, '68, at 11 a. m., to consider the entire subject involved in the difficulty referred to.

Apr. 25th, 1868.

G. W SAMSON,
Pres. of Col'a Col'e.
A. D. GILETTE,
Past. of 1st Bapt. Ch'h.
S. P. HILL.
E. H. GREY.
C. C. MADON.
W. F. NELSON.
T. R. HOWLETT.
GEO. W. CORDRON.
W. T. JOHNSON.
C. ROBINSON.
W'M H. LEE.
SANDY ALEXANDER.
E. TURNER.
CHANCY LEONARD,
Pastor 2nd Baptist C'h.
W'M J. WALKER,
Pastor of Shiloh Baptist Church, L st., bet. 16th & 17th sts.

566 I subscribe to all this letter except acquaintance with the colored brethren mentioned.

S. C. MERICK.

A misstatement corrected.—April 23d.

At an executive council, convened at the Shiloh Baptist Church, L st., bet. 16 & 17th, May 4th, a committee consisting of Rev. W. F. Nelson, S. W. Mason, D. C. Leonard, was appointed to consider a certain statement published in the Star, Express, Chronicle, and Republican relative to certain proceedings of a council held at the church, corner of 4th & L st., on Thursday, April 23d.

The committee find it stated and published in the above-mentioned papers, that a council was convened at . Rev. Mr. Robinson offered resolutions withdrawing the hand of fellowship from Rev. W. J. Walker, D. W. Anderson, M. V. Wright, G. W. Parker, S. Alexander, and others acting with them, and opposing the course of the church in excluding certain parties from the church above named.

567 Your committee, upon examination, find by the acknowledgement of Broth. Essex Roberts that the above-mentioned statement respecting the withdrawing of the right hand of fellowship and opposing the action of the , as above stated, was unfounded and false.

ESSEX ROBERTS.

Signed by Essex Roberts in presence of the council.

M. V. WRIGHT, *Clerk.*

WASHINGTON, *May 5th*, '68.

DEAR BRETHREN: We have attended to our duty, as requested by the counsel; have visited Bro. Bouldin and presented this report and read it to him, and he refused to sign it, saying that he had corrected it in the Star.

REV. C. LEONARD,
REV. WM. H. LEE,
Com.

568 WASHINGTON, D, C., *May 4th*, '68.

An ecclesiastical council was convened this day at Shiloh Baptist Church, Washington, D. C., by letters-missive from the 3rd Baptist Colored Church of Washington.

The council was organized by the choice of Rev. S. H. Myrick as moderator, and Rev. M. V. Wright, clerk. Prayer was offered by Rev. A. D. Gillett.

The call of this council by the 3d Baptist Church is appended hereto as part of these minutes. Also a request for a council, signed by Rev. Samson, Gillett, and others; which request is attached and made part also of these minutes.

It appeared satisfactorily to the council, by the statement of some of the members of the council, and by the admission of his friends then and there present, that Mr. A. Boulden had been duly notified, and had received written notices of the call for this council, and of the purposes for which it was convened.

569 The names of those who had been invited were then called, when it appeared that the following brethren were present and entitled to vote in this council:

Rev. A. D. Gillett	Pastor of 13th St. Bap. Ch.
" C. C. Leonard	" " 2nd "
" S. H. Myrick	" " 1st Bap. Ch., N. Yard.
" J. Burks	" " 5 " Wash.
" W. J. Walker	" " Shiloh " "
" W. H. Lee	" " 6th St. " "
" D. W. Anderson	" " 19th St. " "
" W. F. Nelson	Minister Col. Bap. Ch., "
" M. Gaskins	" 2nd " "
" M. V. Wright	Missionary, Washington.
" S. Alexander	Pastor 1st Bap. Ch., Georgetown.
" S. Madden	" 1st Bap. Ch., Alexandria.
" G. W. Parker	" 3rd "
" L. Warring	" Shiloh "
" C. C. Robinson	" Beulah "
" W. Marshall	" Vienna Bap. Ch., Vir.
" R. Laws	" Mt. Zion " Va.

Rev. T. R. Howlett, pastor Calvary Bap. Ch., sent his excuse for non-attendance, the cause being the death of his father.

570 The council, being duly organized, proceeded to hear a statement of the business.

The first being an investigation of the statement published in the various city papers, a copy of which from the Washington Chronicle of April 26th is as f ollows:

[Statement not among papers.]

571 Rev. A. D. Gillett then stated that there was not a word of truth in this statement. He stated that he was chosen moderator

of the so-called council referred to in the printed statement, and not Mr. Bouldin; that Bro. Robinson offered no resolution, nor was any such resolution offered by any one; that the hand of fellowship was not withdrawn from Rev. Anderson, Parker, Walker, Alexander, and Wright, or any other minister or elder of the church. He called on any person to state if they knew by whose authority this statement had been published. Mr. Essex Roberts, Mr. Bouldin's bro.-in-law, admitted it lay between him and Mr. A. Bouldin, but said it was a mistake, and should not have been so printed.

Rev. A. D. Gillett moved the adoption of the following resolution, viz:

That a committee of three be appointed to draw up a statement contradicting the statement above, to be published in the same papers
572 which had published the original; which was unanimously adopted.

And Rev. C. C. Leonard, W. J. Wilson, and S. Madden were appointed said committee, with a request to report to this council before its adjournment.

The committee retired for consultation. The council then proceeded to an examination of the ministerial conduct of A. Bouldin, with reference to the difficulty in the 3d Bapt. Church of which he claims to be the pastor, between himself and a portion of the church adhering to him on the one side, and the trustees of the church and their party on the other side, now worshipping on 9th st.

Mr. Tho's Wilson, by unanimous request, made a statement of the differences between the two parties, and presented a statement of the trustees of the charges made against Mr. Bouldin.

Rev. W. J. Walker then offered the following resolution:

Whereas a committee was called of the Bapt. churches of
573 Washington, which met Oct. 30, 1867, and of which A. Bouldin had due notice, but refused to attend, at which council were passed certain resolutions which appear in the minutes of said council: Therefore it is—

Resolved, That the findings, resolutions, and decisions of the council of Oct. 30th be sustained, confirmed, and adopted by this council as a decision upon the ministerial conduct of Mr. Bouldin, and as a decision as to which party shall be held to be the true church organization.

At this stage of the proceedings Rev. S. H. Myrick, moderator, being called away on business, asked to be excused, which was accordingly done, and Rev. C. C. Leonard, was chosen moderator. After full argument and discussion of the above resolution, and hearing the statements made pro and con by those in favor of and opposed to Bouldin, it was adopted by the following vote:

Yeas: Rev. A. D. Gillett, Alexander, Brooks, Walker, Parker, Lee, Anderson, Lewis, Gaskins, Warring, Madden, Marshall, Wright—13.

574 Nays: Revs. C. C. Robinson and W. F. Nelson—2.

The report of the committee on Rev. A. D. Gillett's resolution above was then presented, the original of which is hereto attached as a part of these minutes.

On motion, the report was adopted, and the committee discharged.

Mr. Essex Roberts then came forward, and signed the correction of the false statement contained in the report of the committee as above adopted.

On motion, a committee of two ministers were appointed to wait upon Mr. A. Bouldin, and obtain, if possible, his signature to the above correction.

The committee was C. C. Leonard and W. H. Lee. The report of this committee is hereto attached, and is a part of these minutes.

On motion of Rev. S. Alexander, it was—

Resolved, That a committee of seven Baptist ministers be appointed to report to the American Bap. Free Mission Society the conduct
575 of Mr. Albert Bouldin, and to protest, in the name of the Baptists of this city and vicinity, against the connection of said Bouldin with said society in any manner whatever.

The resolution was adopted, and the committee were S. Alexander, D. W. Anderson, S. Madden, G. Parker, W. J. Walker, C. C. Leonard, and M. V. Wright.

The following resolution, offered by Rev. M. V. Wright, was adopted, viz:

Resolved, That a copy of the minutes of this council be sent to the Phil. Association, American Baptist, National Baptist, and Examiner.

On motion, council adjourned.

CHAUNCEY LEONARD, *Moderator.*

M. V. WRIGHT, *Clerk.*

THIRD BAPTIST CHURCH,
9th St., Washington, D. C.

At a regular church meeting, held on Friday, April the 17th inst., at 7 o'clock p.m., charges were made against Albert Bouldin of trespassing on the church.

576 On motion, it unanimously—

Resolved, That a council of all ordained ministers should be called to yoke the credentials of the said A. Bouldin, held in the Shiloh Baptist Church, Monday, May 4, at 11 a. m.

In accordance with the above resolution, the following were invited: 1, A. D. Gillett, D. C.; 2, G. W. Samson, D. C.; 3, D. W. Anderson, D. C.; 4, C. C. Meador; 5, W'm J. Walker; 6, W'm H. Lee; 7, John H. Brooks; 8, H. Bayley; 9, S. W. Madden; 10, S. Alexander; 11, R. S. Laws; 12, C. C. Robinson; 13, G. W. Parker; 14, E. H. Gray; 15, A. Bouldin; 16, M. V. Wright; 17, C. C. Leonard; 18, Rev. Bray; 19, S. J. Hill; 20, T. R. Howlett; 21, W. T. Johnson; 22, E. Turney; 23, S. H. Myrick; 24, Leland Warring; 25, W. F. Nelson; 26, G. W. Condron.

Done by order of the church.

JAMES H. LEE,
Church Clerk.

577 *Exhibit H.—Citation to Bouldin to answer charges, July 5th, 1867.*

WASHINGTON, *July 5th*, 1867.

A. BOULDIN: You are hereby cited to appear before this church, at her next regular church meeting, to answer to the following charges:

1st. That you have called some of the members fools and liars.

2nd. That you have stubbornly and purposely kept the members in ignorance of the financial matters of the church.

3d. That you have refused to grant pardon to members at whom you was agrieved after they have repeatedly asked it.

4th. That you have locked, or caused to be locked, against us our meeting-house, preventing us from holding worship in it.

5th. That you have been guilty of telling willful lies against the church.

If you do not appear at the time specified, or send a valid rea-
578 son for your absence, you will be excluded without delay.
By order of the church:

JAMES H. LEE,
Church Clerk.

The proceedings in accordance with this notice are to be found in the church books.

JAMES H. LEE,
Church Clerk.

579 *Exhibit K.*

1320 MT. VERNON ST., PHILAD.,
Octob. 18, 1867.

BROTHER JEFFERSON: Your letter is received. You are mistaken in supposing that the committee of the association have any thought of going to Washington; it would involve a great expense of time, money, & fatigue, and be of no use at all.

This is what the committee told you all was to be done: The two parties are to agree to submit the dispute to a mutual council, consisting of all the churches, white & black, within a given district, say 8 or 10 churches. The result of that council is to be made known to me as chairman. The document must show what churches were represented, & the names of the delegates.

If the excluded party, after requesting the church under Bouldin to agree to a mutual council, is refused, then it may call such a coun-
580 cil as is named above, (not a council of picked churches,) & report its doings to us.

Yours, truly,

HOWARD MALCOM, *Ch'm., &c.*

I have copied the directions you gave in your letter, but the writing is not plain, & I send to care of Dr. Gillette.

581 *Exhibit J.—Proceedings of Phil. Bapt. Asso., Oct.* 2, 1867.

[This exhibit not among papers.—CL'K.]

582 *Exhibit L.—Baptist Church Directory.*

[This exhibit not among papers.—CL'K.]

583 *Exhibit M.—Transcript of records of suits before Esq. Walter. (Marked in margin as Exhibit D also.—Cl'k.)*

EXHIBIT D.

Writ of arrest for forcible entry & detainer.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

To James McKenna, constable for said county:

Whereas Albert A. Boulden, W'm H. Pearson, Julius Bouldin, Essex Roberts, & Manson Robinson, by their written complaints on oath to me, a justice of the peace in and for said county, bearing date on the 15 July,

1867, have complained that Joseph Alexander, Willis J. Minor, & Benjamin Cocklin, unlawfully & without right, forcibly entered the premises known as the 3rd Baptist Church, at the corner of L and 4th streets, in the city of Washington, District of Columbia, and are now holding said premises forcibly :

You are therefore commanded to summon the said Alexander,
584 Minor & Cocklin, to be and appear before me, the subscriber, on Friday, the 26th July, 1867, at 10 o'clock a. m., and show cause, if any they have, why judgement should not be rendered against them.

Witness my hand & seal this 17th day of July, A. D. 1867.

CHARLES WALTER, *J. P.* [SEAL.]

Transcript from docket.

July 17, 26, dep. $5.

ALBERT BOULDIN ET AL. *vs.* JOSEPH ALEXANDER ET AL. } Forcible entry, No. 25.

Morgan & Norris, for pl'ffs; Phillips, Wilson & Brown for defendants

July 25, 1867, notified by plaintiffs that they took possession of premises, and case dismissed by request of plaintiffs.

July 26, 1867, affidavit for contempt, then rule on plaintiffs to show cause why an attachment for contempt should not be issued, returnable on the 27 of July, 1867, at 9 o'clock.

July 29, 1867, contempt dismissed by paying costs, $2 20.

(Signed) CHARLES WALTER, *J. P.*

I certify the above and foregoing to be a true copy and transcript of papers filed and proceedings had in the above-entitled cause of Albert Bouldin et al., plaintiffs, and Joseph Alexander et al., defendants, as the same now appears of record in my office.

September 17, 1868, Washington, D. C.

CHARLES WALTER, *J. P.*

585 *Exhibits N & O.—Writs of arrest.*

Not needed.

586 *Exhibit P.—Deed of trust—A. Boulden to trustees of 3d Baptist Church, (col'd.)*

ALBERT BOULDIN & WIFE, OF WASHINGTON, D. C., *to* TRUSTEES 3RD BAPTIST CHURCH. } Deed, recorded April 11, 1864.

This indenture, made this first day of April, in the year of our Lord one thousand eight hundred and sixty-four, between Albert Bouldin his wife, of the city and county of Washington, D. C., of the one part, and Ja's Alexander, Ch's Alexander, John Middleton, and William Miner, as trustees of the 3rd Baptist Col'd Church, of the other part, witnesseth: That the said Albert Bouldin, and Priscilla, his wife, for and in consideration of the sum of six hundred and twenty dollars, current money of the United States, to them in hand paid at or before the sealing and

delivery of these presents by the said parties of the second part, trustees of said church, the receipt of which is hereby acknowledged, hath given, granted, bargained, and sold, enfeoffed, conveyed, released,
587 and *conveyed, released, and* confirmed, and by these presents doth give, grant, bargain, and sell, enfoeff, convey, release, and confirm, unto the said parties of the second part, trustees of the 3rd Baptist Church, and their heirs, successor, and assigns, forever, a part or parcel of ground, and part of lot number two, in subdivision by the said A. Bouldin, in square five hundred and twenty-five, (525,) and so distinguished on the plat or plan of the said city of Washington, D. C., and recorded in libre J. A. S., No. 228, folies 94, 95, & 96, one of the land records for the county of Washington, D. C., and so subdivided by the said A. Bouldin, commencing for the same at the southwest corner of said lot No. 2; then east, on a line with L street, thirty-four feet (34) to a point; thence south sixty-four feet, (64;) thence west thirty-four feet (34) to a point; thence north sixty-four feet (64) to the place of beginning, and to be used as the 3rd Col'd Baptist Church, together with the buildings, improvements, rights, privileges, appurtenances, and other hereditaments to the same belonging, or in any manner appertaining, and the remainder, reversion, rents, issues, and profits thereof, and all the rights, title, and interest, and estate of *thereon* the said parties of the first part in and to the same: To have and to hold the same unto and for the only use and behoof of them, the said parties of the second part, their heirs and assigns, forever.

588

And the said party of the first part, for themselves, their heirs, executors, and administrators, by these presents covenants, promises, and agrees to and with the said parties of the second part, their heirs and assigns, in manner following, to wit: That they, the said parties of the first part, and their heirs, shall and will warrant and forever defend the said premises, with the appurtenances hereby bargained and sold unto them, the said parties of the second part, their heirs and assigns, from and against them, the said parties of the first part, their heirs and assigns, and all persons claiming, or who may claim, by, under, or through them.

589 And, further, that they, the said parties of the first part, and their heirs, shall and will, at any and all times hereafter, at the request and cost of the said parties of the second part, their heirs and assigns, make and execute any and every other deed of assurance in law for the more sure and effectual conveyance of the said premises, with the appertanances, to the said parties of the second part, their heirs and assigns, according to the true interest and meaning of these presents, that, in the opinion of counsel learned in the law, shall be nessesary.

In testimony whereof the said Albert Bouldin and Priscilla Bouldin hereunto set their hand and affixed their seal the day and year first hereinbefore written.

ALBERT BOULDIN. [SEAL.]

PRISCILLA her + mark. BOULDIN. [SEAL.]

Signed, sealed, & delivered in the presence of—
J. W. BARNACLO.

590 DISTRICT OF COLUMBIA,
County of Washington, sct:

I, Henry C. Cooper, a notary public in and for the county aforesaid, do hereby certify that Albert Bouldin, party to a certain deed bearing

date on the first day of April, in the year of our Lord one thousand eight hundred and sixty-four, and hereunto annexed, personally appeared before me, at my county aforesaid, the said Albert Bouldin, being personally well known to me as the person who executed the said deed, & acknowledged the same to be his act and deed.

Given under my hand & seal this first day of April, A. D. 1864.

[NOT. SEAL.] HENRY C. COOPER, *Notary Public.*

DISTRICT OF COLUMBIA, *County of Washington, sct:*

I, Henry C. Cooper, a notary public in and for the county aforesaid, do hereby certify that Priscilla Bouldin, wife of Albert Bouldin, party to a certain deed bearing date in the 1st day of April, in the year
591 of our Lord one thousand eight hundred and sixty-four, and hereto annexed, personal appeared before me, at my county aforesaid, the said Priscilla Bouldin, being personally well known to me as the person who executed the said deed; and being by me examined privately and apart from her said husband, and having the deed aforesaid fully explained to her, she, the said Priscilla Bouldin, acknowledged the same to be her act and deed, and declared that she had willingly signed, sealed, and delivered the same, and that she wished not to retract it.

Given under my hand and seal this 1st day of April, A. D. 1864.

[NOT. SEAL.] HENRY C. COOPER, *Notary Public.*

I, F. P. Cuppy, register of deeds for the District of Columbia, do hereby certify that the foregoing and annexed is a true copy of a deed from Albert Bouldin to the trustees 3d Baptist Church, recorded in libra N. C. 5, No. 31, folio 353, of the land records for Washington County, in the District of Columbia.

592 Given under my hand and official seal this 18 day of September, A. D. 1868.

F. P. CUPPY, *Register.*

593 *Exhibit Q.—Deed of trust—Alexander & others to J. W. Barnaclo.*

JOS. ALEXANDER ET AL. *to* J. W. BARNACLO. } Trust, recorded May 3, 1867.

This indenture, made this 1st day of April, in the year of our Lord one thousand eight hundred and sixty-four, by and between Jos. Alexander, C. W. Alexander, John Middleton, and Willis Miner, trustee of the 3rd Baptist Col'd Church, of the city of Washington, of the D. C., of the first part, and J. W. Barnaclo, same place, of the second part, witnessth:

Whereas the said parties of the first part are justly indebted unto Albert Bouldin in the sum of six hundred and twenty dollars, for which amount he holds their six promissory notes, dated the 28 day of July, 1862, and payable as follows, viz: one in one year, one in two years, one in three years, one in four years, one in five years, each for one hun-
594 dred dollars, and one in six years for one hundred and twenty dollars, all of the said notes bearing interest until paid, to the order of the said A. Bouldin or his assigns:

And whereas the said parties of the first part are desirous to secure the full and punctual payment of said notes, and all interest, costs, and

expenses that may accrue thereon, according to the true intent and meaning of the aforesaid promissory notes:

Now, therefore, this indenture witnesseth that the said part of the first part, in consideration of the premises and of the sum of one dollar to him in hand paid by the said party of the second part at and before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath given, granted, bargained and sold, alienied, enfeoff, convey, and confirm unto J. W. Barnacle a peice or parcel of ground under part of lot number two, in subdivisional by the said A. Bouldin, in square five hundred and twenty-five, (520,) and so distinguished on
595 *on* the part or plan of the said city of Washington, D. C., and recrded in liber J. A. S., No. 228, files 94, 95 and 96, one of the land records for the county of Washington, D. C., and to be subdivided by the said A. Bouldin, commencing for the same at the southwest corner of said lot No. 2; then east, on a line with L street, thirty-four feet (34) to a point; thence north sixty-four feet, (64;) thence west thirty-four feet (34) to a point; thence south sixty-four feet (64) to the place of beginning and to be use as the 3rd Col'd Baptist Church, together with all and singular the improvements, priveleges, hereditaments, and appertenances to the same belonging, or in any manner appertaining: To have and to hold the same unto and to the use of the said party of the second part:

In trust, nevertheless, for the use and purposes following, and none other, that is to say: to suffer and permit the said parties of the first part, their heirs and assigns, to have, hold, use, occupy, possess, and enjoy the said premises, with the appurtances as aforede-
596 scribed, and the rents, issues, and profits of the same to take, receive, and apply to their own use until some default or failure shall have been made in the payment of the said debt due as aforesaid to the said A. Bouldin, or his assigns, or in any part thereof, or of any proper interest, costs, and charges thereon, or which may accrue thereon; and, upon any and every such default or failure being made in the payment as aforesaid, the said party of the second part shall, at the request in writing of the said A. Bouldin, or his assigns, may proceed to sell and dispose of the said premises as aforedescribed, or so much thereof as he may deem necessary, at public sale, to the highest bidder, upon such terms and conditions as he, the said party of the second part, may deem most for the interest of all parties concerned in said sale, first giving thirty days' notice of the time, place, and terms of said sale by advertisement in some newspaper printed and published in the city of Washington, and such sale to repeat or post-
597 pone from time to time as he, the said party of the second part, may deem expedient, and out of the proceeds arising from such sale or sales (after paying the proper expenses thereof and other expenses of this trust, including five per centum on the gross amount of said sale or sales as compensation to said trustee for his trouble and dilligence in executing this trust) to pay, in the first place, whatever of said debt, interest, costs, and expenses may be due and unpaid at the time of such sale or sales; secondly, to pay whatever of said debt, interest, costs, and expenses may then remain unpaid, although the same may not then have become due and payable; and, lastly, the surplus, if any, to pay over to the said parties of the first part, executors, administrators, or assigns, and, in the event of any such sale or sales under the provisions of this trust, to convey to the purchaser or purchasers, on his or their compliance with the terms of sale, all right, title, and estate, legal and equitable, of the said parties of the first part, in and to the

premises sold, free from any liability for the application of the purchase-money.

598 In testimony whereof the said parties of the first part have hereunto set their hands and affixed their seals the day and year first hereinbefore written.

[SEAL.] JOSEPH ALEXANDER.

CHARLES his + mark. ALEXANDER.

JOHN his + mark. MIDDLETON.

WILLIS his + mark. MINER.

Signed, sealed, and delivered in the presence of—
J. W. BARNACLO.
HENRY C. COOPER, *N. P.*

DISTRICT OF COLUMBIA, *County of Washington, to wit:*

I, Henry C. Cooper, a notary public in and for said district, do hereby certify that Joseph Alexander, Charles Alexander, John Middleton, and Willis Miner, trustees, &c., parties to a certain deed bearing date on the 1st day of April, in the year of our Lord one thousand eight hundred and sixty-four, and hereto annexed, personally appeared before me, in said county and district aforesaid, the said Joseph Alexander, Charles Alexander, John Middleton, Willis Miner, trustees of the Third Col'd Bap-
599 tist Church, in Washington, D. C., being well known to me to be the persons who executed the said deed, and acknowledged the same to be their act and deed.

Given under my hand and official seal this first day of April, A. D. 1864.

[SEAL AFF'D.] HENRY COOPER,
Notary Public.

I, F. P. Cuppy, register of deeds for the District of Columbia, do hereby certify that the foregoing and annexed is a true copy of a deed of trust from J. Alexander and others to J. W. Barnaclo, recorded in liber E. C. E., No. 4, folio 180, &c., of the land records for the county of Washington, Dist. Columbia.

Given under my hand and official seal this 18th day of September, A. D. 1868.

[SEAL.] F. P. CUPPY, *Register.*

600 *Exhibit R.—Minutes of Phil. Bapt. Asso., Oct.* 8, 1868.

"The committee appointed for the purpose presented the following report, viz:

"THIRD COLORED CHURCH OF WASHINGTON, D. C.

"Your committee on the case of the two letters sent by distinct bodies, each claiming to be the Third Colored Church of Washington, D. C., respectfully report that, after obtaining all the information we can on the subject, the party represented by Joseph Alexander, Henry Watson, Henry Scott, John Wiggins, John Middleton, and Willis Minor constitute the true Third Church before mentioned. Of these persons Joseph Alexander, John Middleton and Willis Minor are the trustees to whom, with Charles Alexander, deceased, the property was

deeded in April, 1864, by Mr. Bouldin. Mr. Bouldin and party, being greatly in the minority, declared themselves, on or about to have excluded all the trustees, and all the deacons, and about two hundred other members; the vote on said occasion being cast by about fifteen members present, without the usual form of citation and opportunity of self defence. Mr. Bouldin and his adherents now occupy for public worship the house on Fourth street, of which the trustees above named have not been legally dispossessed. When the controversy commenced, the aggrieved party proposed to have the matter referred to arbitration; but Mr. Bouldin, though advised by President G. W. Samson and other white brethren to consent to this arrangement, refused. The aggrieved majority then submitted the case to an ecclesiastical council, which met May 4th, 1868, to which all contiguous Baptist churches were invited to send delegates, seventeen churches in all. After deliberate investigation, this council unanimously designated the party represented by the trustees above named to be the Third Colored Baptist Church of Washington. We therefore recommend that the letter which these brethren bring be received as the letter of the Third Baptist Church of Washington to this association.

"SAMUEL J. CRESWELL.
"HOWARD MALCOM.
"J. SPENCER KENNARD.
"MICHAEL MILLS.

"Brother Cresswell moved its adoption. The report was discussed at some length by Brethren A. Bouldin, G. W. Parker, H. Bailey, T. U. Walter, Cresswell, Purinton, and H. G. Jones, and was finally adopted."

601 *Agreement for hearing—Filed M'ch 27, '69.*

JOSEPH ALEXANDER ET AL.
vs.
ALBERT BOULDIN ET AL. } No. 1054, eq. doc. 8.

Upon the filing of the following, "It is agreed that the above cause may be heard before this equity court on Thursday, April 8th, 1867, or as soon thereafter as council can be heard," signed "Thomas Wilson, for complainants," and "E. Norris for respondent," it is, this 27th March, 1869, ordered accordingly.

By the clerk.

Answer of M. P. Callan.—Filed April 8th, 1869.

In supreme court of District of Columbia.

JOSEPH ALEXANDER ET AL.
vs.
ALBERT BOULDIN ET AL. } Eq. doc. 8, No. 1054.

Now comes M. P. Callan, one of the respondents in the above-entitled cause, and says for answer to the bill herein filed that he was trustee named in the deed of trust set forth in the complainants' amended bill; that he knows nothing of the matters in controversy, is not an interested party, and asks to be discharged with his costs.

M. P. CALLAN.

602 Subscribed & sworn to before me this 5th day of April, 1869.
JOHN F. CALLAN,
Notary Public.

Decree of court.—Filed June 2d, '69.

In supreme court of the District of Columbia.

JOSEPH ALEXANDER ET ALS., PLAINTIFFS,
vs.
ALBERT BOULDIN ET ALS., DEFENDANTS. } Equity dock. 8, No. 1054.

And now, to wit, on this the 2d day of June, 1869, the above-entitled cause coming on to be heard upon the pleadings, exhibits, & proofs, and after full argument of counsel for both parties, and all things being seen by the court and fully understood, it is ordered, adjudged, and directed as follows:

1st. That the plaintiffs were, at the time of the commencement of this suit, and now are, the trustees of the Third Colored Baptist Church of Washington, D. C., and the defendants, or either of them, are not trustees of said church.

2nd. That the plaintiffs and their successors in office are entitled to the present custody, control, and possession of the church building
603 on the corner of 4th street west, and L street north, in said city, as described by deed of trust to J. W. Barnacloe.

3rd. That the defendants, and each and every of them, deliver up unto the plaintiffs the possession of said building; and if and in case the same shall not be done with one week from and after the date of this decree, then that a writ of habeas facias possessionim issue to the marshal to put the plaintiffs in possession thereof.

4th. That the defendants, and each and every of them, are forever enjoined and prohibited from directly or indirectly taking the possession of said property, or any portion thereof, from the plaintiffs or their successors in office, without their consent, or in any wise interfering or meddling with the same.

The defendant Albert Bouldin is hereby enjoined and restrained, until the further order of this court, from proceeding in any wise whatever to collect any of the notes given by the plaintiffs, or any of them, as trustees of said church; and the defendants J. W. Barnacle and M. P. Callan are enjoined and restrained from proceeding in any way to
604 sell the church property, or any portion thereof, under or by virtue of the various deeds of trust executed by any of the parties to this suit.

That the description in the deed made by the defendants Albert Bouldin, and Priscilla, his wife, to Joseph Alexander, Charles Alexander, John Middleton, and Willis Minor, dated April 1st, 1864, be, and the same hereby is, corrected, to commence from the date thereof, and is made as follows: A piece and parcel of ground & part of lot number two, in subdivisional by the said A. Bouldin, in square five hundred & twenty-five, (525,) and is distinguished on the plot or plan of the said city of Washington, D. C., and recorded in liber J. A. S., No. 228, fol. 94, '5, '6, of the land records for the county of Washington, D. C., and so subdivided by the said A. Bouldin, commencing for the same at the southwest corner of said lot number two; thence east, on a line with L street, thirty-four (34) feet to a point; thence north sixty-four (64) feet; thence west thirty-four (34) feet to 4th street; thence south, on the line of said 4th street, sixty-four (64) feet to the place of beginning, &c. &c.

605 That the cause be referred to the auditor of this court to examine and report the facts upon the following questions:

1st. Whether the defendant Albert Bouldin purchased, under the direction of the church, the entire lot of ground on the corner of 4th & L streets of George H. Varnell for the use and benefit of said church, and whether the money collected by said Bouldin from or on behalf of the church was by him used to aid in the payment for said lot; and, if so, to what amount.

2nd. To state the accounts between the said Albert Bouldin and the plaintiffs as trustees of the said church and the trustees of whom they are the successors; to report the amounts of money received by said Bouldin from the said church, and from other persons on behalf of said church, and the amounts to which he was entitled for his services in behalf of said church, and has expended therein, and about the same, and to state the balance due either way, and for these purposes that he may call witnesses and take testimony.

606 That the plaintiffs, until the further order of this court, are enjoined and restrained from selling, disposing of, or in any way encumbering the title of said church property in any way so as to weaken the security of said Bouldin upon the church property.

A. B. OLIN, *J.*

Bond of appeal to gen'l term.—Filed June 3d, 1869.

In the supreme court of the District of Columbia, the third day of June, 1869.

JOSEPH ALEXANDER ET AL. *vs.* ALBERT BOULDIN ET AL. } No. 1054, equity.—In error.

Know all men by these presents that we, Albert Bouldin, Palmer Briscoe, & James Carter, are bound unto the above-named Joseph Alexander, Henry Watson, Henry Scott, John Wiggins, John Middleton, and Willis J. Minor in the sum of five thousand dollars, to be paid to the said Joseph Alexander, Henry Watson, Henry Scott, John Wiggins, John Middleton, and Willis J. Minor, their executors or administors; to which payment, well and truly to be made, we bind ourselves and

607 each of us, jointly and severally, and our and each of our heirs, executors, and administrators firmly by these presents, sealed with our own seals, and dated this third day of June, 1869.

Whereas the above-named Albert Bouldin hath prosecuted a writ of error to the supreme court of the District of Columbia in general term to reverse the decree rendered in the above suit in the special term on the 2d day of June, 1869:

Now, therefore, the condition of this obligation is, that if the above-named Albert Bouldin shall prosecute his said writ of error to effect, and answer all damages and costs if he shall fail to make good his plea, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

ALBERT BOULDIN.
JAMES + CARTER. (his mark.)
PALMER + BRISCOE. (his mark.)
ELIZA MEREDITH.
WILLIAM PEARSON.

Sealed and delivered in presence of—
CHARLES WALTER.
SAM'L C. MILLS.

608 *Motion of plaintiffs to dismiss appeal.*

ALEXANDER ET AL. *vs.* BOULDIN ET AL. } 1054, equity.

Now comes the plaintiffs and appellees, and moves the court to dismiss the appeal in the above-entitled cause for the reason that no such printed copies of the papers in the cause have been filed with the clerk of this court, or are for use by the court, or have been served upon the appellees, as required by rule of court.

SAM'L L. PHILLIPS,
THOMAS WILSON,
Att'ys for Appellees.

609 Proceedings before the Supreme Court of the District of Columbia in general term, commencing the third Monday (18th day) of October, 1869.

MONDAY, *October* 18*th*, 1869.

Session commenced by proclamation of the marshal upon order of Justices Fisher and Olin, present; Chief Justice Cartter and Justice Wylie absent.

THURSDAY, *October* 28, 1869.

Session resumed pursuant to adjournment. Chief Justice Cartter and Justices Olin, Fisher, and Wylie present.

JOSEPH ALEXANDER ET AL. *vs.* ALBERT BOULDIN ET AL. } No. 1054, equity dock 8.

The complainants, by their solicitor, Mr. Thomas Wilson, comes & files their written motion to dismiss the appeal to this court for want of prosecution.

610 MONDAY, *November* 8, 1869.

Session resumed pursuant to adjournment. Present, Cartter, chief justice, and Olin, Fisher, and Wylie, justices.

JOSEPH ALEXANDER ET AL. *vs.* ALBERT BOULDIN ET AL. } 1054, equity dock 8.

This cause having been heard upon defendants' appeal from the decree of the equity court, and upon the record of said court, and having been argued by counsel on both sides, and fully understood, it is thereupon ordered, adjudged, and decreed that the decree from which said appeal was prosecuted be, and the same is hereby, in all things affirmed.

And from this decree the said defendants pray an appeal to the Supreme Court of the United States, and the same is allowed.

611 *Bond of appeal to the S. C. U. S.—Filed Nov.* 12, 1869.

In the supreme court of the District of Columbia, sitting in general term, this the 9th of Nov'r, 1869.

JOSEPH ALEXANDER ET AL.
vs.
ALBERT BOULDIN ET AL. } No. 1054, equity.

Know all men by these presents that we, Albert Bouldin, William H. Fearson, Julius Bouldin, Essex Roberts, Mansen Robinson, Charles Pearce and Edward Dixon, Palmer Briscoe & Eliza Meredith, are bound unto the above-named Joseph Alexander, Henry Watson, Henry Scott, John Wiggins, John Middleton, and Willis J. Minor, their executors or administrators, ; to which payment, well and truly to be made, we bind ourselves, and each of us, jointly and severally, and our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated this 9th day of November, 1869.

612 Whereas the above-named Albert Bouldin, William H. Fearson, Julius Bouldin, Essex Roberts, Manson Robinson, Charles Pearson, and Edward Dixon hath prosecuted an appeal to the Supreme Court of the United States to reverse the decree rendered in the above suit by the said supreme court of the District of Columbia:

Now, therefore, the condition of this obligation is, that if the above-named Albert Bouldin, William H. Fearson, Julius Bouldin, Essex Roberts, Manson Robinson, Charles Pearson, and Edward Dixon shall prosecute their appeal to effect, and answer all damages and *answer all damages and* costs if they shall fail to make good his plea, then this obligation shall be void; otherwise the same shall be and remain in full force and virtue.

ALBERT BOULDIN, *Pastor.*
PARMER his + mark. BRISCOE.
JAMES his + mark. CARTER.
JEREMIAH his + mark. BALDWIN.
J. R. MEREDITH.

Sealed and delivered in presence of & witnesses to marks of Parmer Briscoe & James Carter—
L. P. WILLIAMS.
R. J. MEIGS, JR.
R. S. DAVIS, &
L. P. WILLIAMS,
As to mark of Jeremiah Baldwin.

Approved this 12th Nov., 1869.

A. B. OLIN.

613 *Clerk's certificate.*

DISTRICT OF COLUMBIA, *to wit:*

I, Return J. Meigs, clerk of the supreme court of the District of Co-

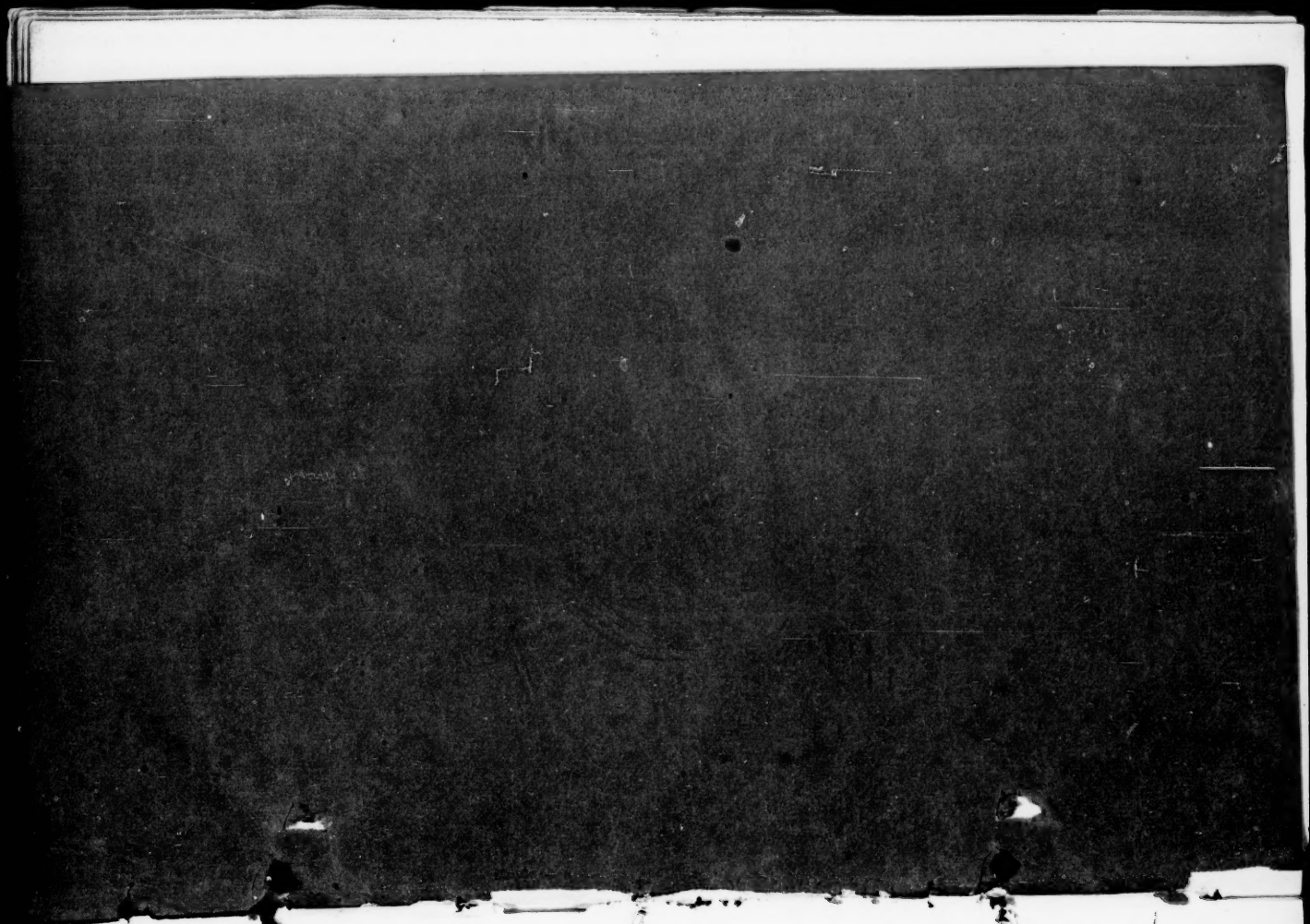
lumbia, hereby certify that the foregoing [612] pages of paper writings are truly copied from the originals on file in the clerk's office of said court, and that said originals constitute the entire record in a cause depending and lately decided in said court, entitled as follows: "Joseph Alexander et al. vs. Albert Bouldin et al. No. 1054, equity docket 8."

Witness my hand and seal of said court this 7 day of January, A. D. 1870.

[SEAL.] R. J. MEIGS, *Clerk.*

(Indorsement on cover:) No. 418. Albert Bouldin, W. H. Fearson, et al., appellants, vs. Joseph Alexander, Henry Watson, et al. Dist. of Columbia sup. ct.

Filed 7th January, 1870.



In the Supreme Court of the United States.

ALBERT BOULDIN ET AL., APPELLANTS,

vs.

JOSEPH ALEXANDER ET AL.

No. 192.

Appellants' Brief.

The appellants complain of the decree rendered by the court below, for what they conceive to be two vital errors. First, in deciding that the complainants were at the time of the commencement of the suit the legally constituted trustees of the church in question; and secondly, that they should have a writ of *habere facias* to eject the defendants from the possession of the church.

In respect to the first error, we think the proof clearly establishes the fact that the appellees deliberately sought to bring about a split in the church, for the purpose of avoiding the payment of the debt to the appellant Bouldin, which constituted a lien on the church property. It must be borne in mind that Bouldin bought the ground, with his own individual funds, upon which the church building is erected. He established the church by gathering together a little flock of four or five persons at his own house, and there holding his religious services for a year or more. He gradually increased the number of his congregation, until they aggregated some forty or fifty members. (See Boulding's deposition, beginning on page

31 of the record.) Said Bouldin was in some form chosen pastor of the church, and continued in that relation until he began to think it time that some reimbursements were made to him for the large sums he had expended in connection with the church. Then, and not till then, were first complaints heard against him as pastor. The membership had, in the meantime, increased to the number of six or seven hundred. The movement that was set on foot to get rid of Bouldin, and to get rid of the money which was justly due him, was originated by new members, who had contributed little or nothing to the expenses of the materials and erection of the church building, and absolutely nothing towards the purchase money for the ground upon which the building was erected. Whether the appellants (the Bouldin party, as they are termed,) were chosen trustees in strict accordance with the regulations of their church discipline or not, one thing is evident from the proof, and that is that the complainants were not chosen according to the church discipline of the Baptist Church, or any other church known to the history of modern civilization.

The complainants below attempted to install themselves in authority through fornication, adultery, and violence, and in defiance of every principle of common decency, and, much more, of Christian morality. The allegations of the bill and amended bill disclose a reckless disregard of truth, that eminently mark the authors thereof as better suited to a felon's prison than an office in a Christian church.

The proceedings on the part of the appellees, from the beginning to the end of this controversy, display a ridiculous and disgraceful farce. In the pretended election of their trustees and the expulsion of Bouldin and his party, their conduct more resembled some heated frantic popular election in which fraud, violence, corruption and vice of every kind pervaded the multitude, than that orderly and

decent conduct which should characterize the proceedings of a body of professing Christians.

We insist that the whole of the proceedings on the part of the appellees should be treated by this court as an absolute nullity. That this court will not lend its sanction to the conduct of a set of men who clothe themselves with the livery of Heaven to serve the devil in. The proof is, that in the very house which should ever be held sacred as the House of God, this party wantonly and most wickedly shed the blood of violence on the person of Dr. Washington. This act of violence on Washington, in point of atrocity and wickedness, has no parallel in history, except the shedding the blood of the Savior.

Can it be possible that this court will entertain, with any degree of favor, the complaint of a body of men who come into a court of equity with such foul hands, allow them to call themselves a religious body, and cover themselves under that sacred garb?

It will be seen that much of the evidence relied on by the appellees was manufactured to order long after the suit was brought. The original bill was filed September 28, 1867. (See printed record, page 1.) After the institution of the suit, the appellants gave no attention to the *ex parte* proceedings gotten up by the appellees for manufacturing testimony. But Bouldin and the church legitimate and proper, remained quietly in their lawful possession of the church, and have continued there ever since, with a large membership harmoniously and peaceably. Let us call the attention of the court to the church discipline, with respect to the mode and manner of dealing with offending brethren. On page 16 of the church discipline will be found article 19, which reads as follows:

"ART. 19. In all cases of grievance between members as offence against the church, the offending member should be dealt with according to the rule laid down in the 18th chapter of Matthew."

That part of the 18th chapter of Matthew referred to in above article reads as follows:

"VERSE 15. Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother."

"VERSE 16. But if he will not hear thee then, take with thee one or two more, that in the mouths of two or three witnesses every word may be established."

"VERSE 17. And if he shall neglect to hear them, tell it unto the church; but if he neglect to hear the church, let him be unto thee as a heathen man and a publican."

On page 19 of said discipline, under the title, "Hints respecting the duties of members," the following rule is laid down respecting duty, in article 2:

"ART. 2. In case of personal offence, to follow without the slightest deviation, the course directed by our Savior, in Matt. xviii, 15, 17."

Now, testing the conduct of the appellees towards the appellants in the manner of their pretended expulsion by the foregoing rules, quoted literally from the discipline of this identical Third Colored Baptist Church, and it is perfectly apparent that the appellees did not follow the rules; no, not even the shadow thereof.

Our conclusion is, therefore, that if the appellees were expelled contrary to the discipline, that such expulsion was nullity, and the appellants were and still are members of the Third Baptist Church, and could not therefore properly be decreed to surrender the exclusive possession of the church property to the complainants or appellees.

The appellants claim, that at the time of the institution of this suit, the defendants, Munson, Robinson, Julius, Bouldin, William Pearson and Charles Pearson, and Edward Deckson, were the legal trustees of the church; that said trustees were duly selected and duly elected on the

10th of June, 1867, according to the rules and regulations of their church discipline. (See dep. of A. Bouldin, on page 33 of printed record.) There is one thing very evident, that the appellants present better claims and more consistent authority in support of their pretentions to the trusteeship of the church than the appellees. The intention of the appellees to break up that church organization, obtain the property, and avoid if possible the payment to Bouldin of his claims upon the church, is very manifest, from the fact that they immediately went off, formed a new organization, and have remained separated ever since. (See deposition of Essex Roberts, on pages 51 and 83 of printed record; also of Edward Dixon, on pages 44 and 84 of printed record.)

We do not propose to review at any considerable length the great mass of evidence which has been taken in this cause. Much of it is irrelevant and incompetent, and throws no light upon any point which this court has to consider. But it does illustrate the real object of the parties bringing the suit, and that to gratify their personal malice. We insist that there is no such evidence furnished to this court in this record as would warrant an affirmance of the decree below, and thereby determine that the appellees were the regularly chosen trustees; that they had a right to the possession of the church property, with the power to exclude any portion of the congregation from worshipping in that church at their own will and pleasure. Bouldin has always had the possession of the church for the congregation as pastor, and holds yet, unsatisfied, his deed of trust on the property thereof.

It seems to us to be very clear that the only decree which can be properly made in the cause, would be to reverse the decree below, with directions that the bill be dismissed as to every matter except the settlement between the church and Bouldin as to their financial differences.

In support of our position, that the courts have no juris-

diction of any matter set up in this bill, except the settlement of the accounts of Bouldin with the church, we refer the court to the case of Tartar *vs.* Gibbs, 24 Md., 323. The complainants have neither alleged nor proven any facts showing the usages of the church, nor the law of its organization, both of which is essential to the obtaining of the relief sought by them. (See the case of Vasconcelles *vs.* Ferraria, 27 Ill., page 237.) "The fact of expulsion from a church is conclusive proof that the persons expelled are not members of such church, whether the excommunication was wrong or not cannot be examined into, and such expelled members cannot maintain a suit in relation to church property, nor vote for trustees." (See the case of Shannon *vs.* Frost, decided by the court of appeals of Kentucky, and reported 3d Ben Monroe's Reports, page 253.) A majority of a church congregation has no right to violate the particular or generat laws of the denomination to which it belongs. (See Sutter *vs.* Trustees of First Reformed Dutch Church, Supreme Court of Pennsylvania, 42 Pa. St., 503.)

We have already shown that the fact that the appellees withdrew from the church and formed a new congregation, amounted to a relinquishment of all their rights in regard to the church from which they withdrew. (48 Pa. St., 20; see also the case of the Methodist Episcopal Church *vs.* Wood, 5 Ohio, Ham., 283.) Also—

Harper *vs.* Straus, 14 B. Monr., 48, (Ky.)
Venable *vs.* Coffman, 2 W. Va., 310.
Dublin Case, 38 N. H., 459.
Hadden *vs.* Chorn, 8 B. Monr., page 70.

Upon the foregoing authorities, and the evidence in the case, we ask a reversal of the decree below.

MOORE & RIDDLE,
Attorneys for Appellants.

Supreme Court of the United States.

DECEMBER TERM, 1872.

ALBERT BOULDIN *et als.*, defendants and appellants,
vs.
JOSEPH ALEXANDER *et als.*, plaintiffs and appellees.
} No. 6.

BRIEF FOR APPELLEES.

This is a suit in equity brought by Alexander and others against Bouldin and others in the Supreme Court of the District of Columbia, the principal questions therein being to determine, 1st, which of the two parties were for the year 1867 and are now the lawful trustees of the Third Colored Baptist Church of Washington city, and as such trustees who are entitled to the possession and custody of the church building and property; and 2d, was there an error in the deed by which the defendant and appellant, Bouldin, conveyed the land on which the church building is situated to these plaintiffs.

The relief sought, which brings the case within the equitable jurisdiction of the court, is as follows:

1st. An accounting for moneys collected by Bouldin, who was pastor, and had been acting as general agent in former years.

2d. A release and discharge of a certain deed of trust given by the plaintiffs upon the church property to secure certain notes given by them to Bouldin, now alleged to have

been more than paid by his collections, of which he had failed to render a true account.

3d. A delivery and cancellation of the notes.

4th. A correction of an error in the description of the land on which the church building is situated, as the same was erroneously set forth in the deed by which it was conveyed to these plaintiffs by Bouldin.

5th. A decree for the return of the possession of the church building and property to these plaintiffs as lawful trustees, the possession having been violently and forcibly taken from them by the defendants and now held against the plaintiffs' better right.

6th. An injunction against future interference with the premises by the defendants, and to restrain Bouldin from selling the notes aforesaid, or from foreclosing or selling under his deed of trust.

A decree was rendered by the Equity Court in favor of the plaintiffs [appellees] on all these points except the accounts between the parties, and this was referred to the auditor of court for examination and report.

Record, p. 192.

Pending this examination the defendants appealed to the Supreme Court of the District in general term, which affirmed the decree below, p. 194, and the defendants appealed to this court.

I do not choose to argue the monetary questions raised in the case; they are not before the court—they belong to the auditor, and when he shall have taken the proofs under the order of reference and made his report to court, those questions can be argued upon exceptions to that report if any exceptions shall be made.

Out of these monetary and business difficulties, as charged

in the bill, grew the present unhappy differences. The plaintiffs asked for a settlement with Bouldin, and that he account to and with them for moneys collected, received, and paid out by him on their behalf, to the end that they might know what amount, if any, they owed him, and when all indebtedness to him was liquidated they might consider the propriety of calling another pastor if they should deem fit.

The result of this was that Bouldin undertook to carry on and "run" the church on his own behalf. He called his own friends and adherents, never more than twenty-three in number, about him; held a church meeting in secrecy and by stealth at his own house; without their knowledge deposed the old trustees; elected or pretended to elect new trustees in June of the year 1867, while the plaintiffs had been elected to serve from January to January; took forcible possession of the church; held it *vi et armis* against the lawful trustees; compelled them and their adherents to go elsewhere to worship and alleged by this act they became seceders; and without notice to them and without their knowledge he and his twenty-three adherents assumed to turn out and discharge from the church membership the plaintiffs and their adherents, over two hundred in number, and now set themselves up as the only true and lawful Third Baptist Church organization, and as such, hold possession of the church building and property, and claim the right to all its benefits and franchises. It is in defence of this conduct, and to obtain the sanction thereof by this court, that this appeal is prosecuted, and that the appellants are now here.

Of the erroneous description in the deed of the church property made by Bouldin to the plaintiffs.

Bouldin bought the piece of land on which the church was built and now stands, on the corner of Fourth and L streets northwest, in Washington city. He bought a parcel, 78x84 feet, and gave a deed of trust to M. V. B. Bogan, to secure

the purchase money, (p. 8.) It is charged in the bill that he was the agent, and that this entire purchase was for the use and benefit of the church; that it has since been paid for by the church, and that the church is entitled to the whole piece.

Bouldin sold to these trustees a piece or parcel thereof—34x64 feet. On this the church was built. He pretended or intended to convey this piece of ground to them.

The deed is set out, page 4. It is from Bouldin and wife *to these plaintiffs* "*as trustees of the Third Baptist Colored Church* of the other part," and "doth give, grant, bargain, and sell, &c., unto the parties of the second part, *trustees of the Third Baptist Church, their heirs, successors, and assigns,* forever, a piece or parcel of ground, &c., &c., * * * *to be used as the Third Colored Baptist Church,* together with, &c., &c., * * * to have and to hold, &c., &c."

The ground is on the northeast corner of Fourth and L streets, 34 feet on L street and 64 feet on Fourth street. Its true description is *north* from the north line of L street and east from Fourth street, but in the deed it is described as being *south* from the north line of L street, which takes it *south* into the street instead of *north* into the square.

That this is an error in the description is very evident, although the defendants in their answer (foot of p. 29) have not the candor to admit it, even though their answer be under oath, though they must have known it.

1st. Bouldin says, in his answer, (p. 15,) that he bought this lot of Varnel, and that he gave a deed of trust upon it, (p. 16.)

2d. Look at the deed of trust given by Bouldin to Bogan to secure Varnel, and it is on the same lot, (p. 8, 9.)

3d. Bouldin says he sold for the use of the church "a part of said lot, &c.," (top 15, marg. 53,) and he claims "$620 as the purchase money for the site of said church, &c." (Top 16, marg. 58.)

4th. He admits the execution of the deed to the plaintiffs,

and that he took the deed of trust back to Barnaclo to secure the purcnase money. (Top 16, 17, marg. 58.)

5th. The deed of trust correctly describes the land as the plaintiffs claim, and as was intended to have been conveyed, (p. 7, top of page)

6th. Alexander (top 120–1, marg. 380–1) and Middleton (p. 121, bottom of page, and 122, top of page, marg. 383) both swear to the fact. Bouldin (top 31–2, marg. 111, 112, 113) also swears to it.

7th. The description contended for by the plaintiffs would locate the land sold by Bouldin to them in the square and on part of the lot then owned by Bouldin, while the description contended for by Bouldin would make him to sell land lying in the street.

Election of the Plaintiffs as Trustees.

The following extracts from the church record—Exhibit J. H. L. No. 1, the original of which is sent up by order of the Chief Justice of the court below—will show the election of these plaintiffs (appellees) as trustees for the year 1867:

"FEBRUARY 15, 1867.

"A regular church meeting was opened by prayer, and then proceeded to business, and Brother William B. Jefferson was chosen moderator, and Brother James H. Lee, the church clerk, was not present, and Brother Henry Watson was chosen as clerk for the present meeting, and the minutes of the previous meeting were read and adopted; then it was moved for the election of officers for the ensuing year; trustees, and a clerk, and a treasurer, and a sexton, voted in by ballot and by a majority of votes.

"The following are the names of the officers voted in by ballot and by a majority of votes:

"Brother James H. Lee was re-elected as clerk for the ensuing year 1867 by a majority of 300 votes, which was unanimously carried by the church.

"Brother Joseph Alexander re-elected trustee by a majority of 175 votes.

"Brother Willis J. Minor re-elected trustee by a majority of 225 votes.

"Brother John Middleton re-elected trustee by a majority of 189 votes.

"Brother Henry Watson re-elected trustee by a majority of 267 votes.

"Brother John Wiggins re-elected trustee by a majority of 200 votes.

"Brother Henry Scott elected by a majority of 279 votes.

"Brother William Laws elected trustee by a majority of 248 votes.

"Brother ——— elected sexton by a majority of ——— votes.

"Brother William H. Winters, treasurer, re-elected by a majority of 297 votes.

"No more was done at present; the meeting was closed by benediction.

"Brother WILLIAM B. JEFFERSON,
"*Moderator.*

"Brother HENRY WATSON,
"*Acted as Clerk for this Meeting.*

"JAMES HENRY LEE,
"*Recording Clerk.*"

"THIRD BAPTIST CHURCH,
"9TH STREET, WASHINGTON, D. C., *January* 17, 1868.

"At a regular church meeting: Opened by reading and payer. Brother W. B. Jefferson chosen moderator and James H. Lee clerk.

"Then proceeded to business. * * *

"Then it was resolved that we elect officers for the ensuing year. Agreed to.

* * * * * * *

"*Resolved*, That we re-elect all of the old trustees again for the ensuing year. Carried and adopted.

"The following are the names of the trustees re-elected for the ensuing year:

"1. Brother Joseph Alexander, re-elected trustee.
"2. Brother John Middleton, re-elected trustee.
"3. Brother Willis J. Minor, re-elected trustee.
"4. Brother Henry Watson. re-elected trustee.
"5. Brother John Wiggins, re-elected trustee.
"6. Brother Henry Scott, re-elected trustee.
"7. Brother William Laws, re-elected trustee.
"Brother William H. Winters, re-elected treasurer."

Exhibit C, p. 171, shows the names and number of the church members who adhere to the plaintiffs. This membership is placed at 242. It may be 205 only, by reckoning to an earlier time.

Exhibit D, p. 174, shows the names and numbers of those adhering to Bouldin and the defendants. This shows but 23 persons.

Much time and paper was used in trying to show, by reputation and by guessing the size of the congregation in the lump, how many members adhered to Bouldin, and the comparative difference between that and the number adhering to the plaintiffs, but no list is given by the defendants showing with any definiteness either the number or their names. This evidence given by the plaintiffs is the only reliable information we have. The Court will easily see the reason why the defendants did not furnish it. They dared not. It would ruin their case to furnish their list of members.

I charge that the number of members of the congregation adhering to the plaintiffs were nearly ten, and certainly five times, greater than those adhering to the defendants, and that upon all questions submitted to the church, and to be decided by vote of its members, the majority on the side of the plaintiffs was never less than five to one.

This, in a congregational form of church government, must be held to be decisive of all questions decided by the body of the church membership.

Proceedings of Councils and Associations of various Baptist Churches in relation to the settlement of these difficulties.

In accordance with Baptist usage these plaintiffs, for the purpose, and with intent to settle these differences, called several councils of the various Baptist churches in Washington, Georgetown, and Alexandria. The first was called June 21, 1867, eleven churches being represented and twenty-one representatives thereof present. This council had several adjournments, and many difficulties, but the close of its proceedings (Exhibit E. p. 177) shows its result:

"G. W. Parker (pastor of 3d Baptist church, Alexandria) was then instructed to hand the books and papers over to the church clerk, Lee, and also to instruct the church that if they wished to change relations with their present pastor, or the pastor with the church, each should give three months' notice. Upon this announcement, A. Bouldin made a rush for books and papers of the church, claiming to be a lifetime pastor."

See deposition of Parker, p. 136; Anderson, p. 142; Bouldin, p. 36.

This decision of the council left Bouldin more dissatisfied than ever. He immediately charged Lee, the church clerk, with the larceny of those books delivered by the council to him, and had him arrested and tried. (P. 112.) It is needless to say he was discharged.

His secret meeting, attempted deposition of the old trustees, pretended election of new ones, then followed. In the meantime the old trustees, plaintiffs, held possession, as was their right, of the church building. Bouldin and his new (and bogus) trustees commenced an action before Justice Walter for forcible entry and detainer. (Ex. D. p. 185.) But

before the day of trial, and while the case was pending, they picked the lock of the church, entered it, and took possession and have held the same to this day. See transcript from docket, p. 186. See also 112, 113, 114, 115, 116, 120, 49, 50, 55, 56, 59, 60, 62, 35, 76.

Thus the matter stood until the next yearly meeting of the "Philadelphia Baptist Association," held at Wilmington, Delaware, in October, 1867. These associations correspond in some respects to the synods of the Presbyterian church, but are with but little more than advisory power, owing to the congregational form of church government adopted by the Baptist denomination. They are the only higher power or authority above the congregation which meet regularly and at stated places and periods. The councils are held at irregular times and places, and have authority over only the particular matter with the investigation of which they are charged.

This Third Baptist Church belonged or was attached to the Philadelphia Baptist Association. At the meeting in October, 1867, both parties, plaintiffs and defendants, appeared before it, with letters in form, contesting the seat of the Third Baptist Church, each claiming to be its legal representatives. The contest was not decided at that session, and a committee was raised, to whom it was referred, and the case continued until the next meeting, in 1868. The above proceedings are to be found in the minutes of 1867.

The action of the committee and the church during the vacation is as follows:

The chairman of the committee, Dr. Howard Malcolm, of Philadelphia, wrote, October, 1867, (Ex. K, p. 185,) saying the committee had requested a new council to be called of all the churches within a given district, say eight or ten, and submit the matters in dispute, and communicate the result to him.

This led to the second council, October 30, 1867. (Ex. F, p. 177.) Seventeen churches were invited, 12 were repre-

sented, and 27 representatives. Several notices were served upon the defendants to appear. The following is the recorded action, p. 180:

"After the charges were read and examined by the council, being proved by many witnesses, it was—

"*Resolved* 1*st*, That the Rev. A. Bouldin has violated all claim to ministerial regard from these members.

"*Resolved* 2*d*, That we regard him unjustifiable in any of his acts which led to the separation of his party and the great majority of the church.

"After these resolutions were offered, and while under consideration, the members were called to stand on their feet, and 85 stood up, and there were on the church books claiming to be separated from Mr. Bouldin 202, including all the trustees named in the deed, and all the deacons of the church regularly elected before the separation, finding Mr. Bouldin to have 15 members with him.

"*Resolved* 3*d*, That we regard the exclusion by Mr. Bouldin of 202 members by 15, and those 202 excluded *en masse* without any examination of individual offence, to be wrong and extremely wicked, and we regard the Third Baptist Church to be those said to be excluded by Mr. Bouldin, and request the Philadelphia Baptist Association to do the same.

"*Resolved* 4*th*, That these brethren did right in excluding Mr. Bouldin from the Third Baptist Church, for going to law and imprisoning the clerk of the true church, and swearing falsely as they regard it."

Upon the meeting of the "Philadelphia Baptist Association" in October, 1868, the committee made their report, which was unanimously in favor of the plaintiffs, and adverse to Bouldin and the other defendants. This report was adopted, and the plaintiffs admitted by the "Association" as the true and legal representatives of the Third Baptist Church.

Exhibit R, record p. 190.

The appellees will maintain the following propositions of fact and law:

1. That the description of the lot conveyed by Bouldin to them as trustees by deed of date April 1, 1864, was erroneous, and the deed did not convey to the church the lot which was intended to be conveyed, and on which building was erected and now stands.

2. That a decree of a court of equity is necessary to correct this erroneous description.

3. That Bouldin collected or received the money raised by or on behalf of the congregation for purpose of erecting the church, and that he has refused and now refuses to render an account.

4. That these accounts are in such a confusion that it will be necessary to refer the same to the auditor of court for a statement thereof.

5. That by reason of this complication of money accounts, the refusal of Bouldin to settle, and for other causes, the present unhappy differences arose.

6. That in these differences there arose two parties, one which is represented by the complainants, numbering 242, and the other represented by the respondents, numbering 23.

7. That the complainants were, at the commencement of this suit and are now, the regular and legally-elected trustees of said church.

Baptist Church Manual, p. 28, sec. 3.
Baptist Church Directory, p. 58, note 4.
Church Manual, p. 102, 103, 111, 112.
Watson *vs.* Jones, 13 Wall., 724.
Shannon *vs.* Frost, 3 B. Mon., 253.
Smith *vs.* Nelson, 18 Verm., 511.
Goesle *vs.* Bimler, 14 How., 608–9.
Field *vs.* Field, 9 Wend, 394.
People *Ex rel.* Smith *vs.* Peck, 11 *Id.*, 604, 610.

8. That as such trustees they were legally entitled to the possession, custody, and control of the church property, and therein of the church building.

Church Manual, p. 37, 8.
Baptist Church Directory, p. 27.

9. That at the time of, and for a long time before the present eruption in said congregation, they, as such trustees, had peaceable and quiet possession of said church building.

10. That shortly after the outbreak the respondents commenced their suit before Charles Walter, Esq., J. P., to obtain possession of the church building by action of forcible entry and detainer.

11. That pending this action, and before the return day of the process, the respondents and those acting in their behalf, broke open said church building and took forcible possession thereof, and then dismissed their action before Squire Walter.

12. That they have held that possession up to the present time.

13. That by reason of his conduct in this behalf, and for other causes, charges were preferred against the respondent Bouldin by the members of the congregation; that he was duly notified of their pendency; that he refused to attend and make defence; that there was a hearing and trial, and he was, in accordance with the discipline and usages of the church, legally expelled from further communion with this congregation. (The complainants admit that this expulsion does not affect his right to receive and recover the money due him on accounts stated between them. They also admit

the right of the minority to employ and continue Bouldin as *their* pastor if they see fit.)

Baptist Church Directory, p. 73, note 2; p. 74, note 3, 4, 5.

14. That the body of the church is represented by the complainants, and it and those who adhere with them are entitled to all the rights and franchises belonging to the congregation or the trustees representing it.

15. The independent congregational character of Baptist churches.

Baptist Church Directory, p. 56, 57, note 2; p. 58, note 3, 7; p. 73, note 2; p. 129, 131, 181, 239.
Church Manual, p. 102, 111, 112.
Buck's Theological Dictionary.
McClintock & Strong's Cyclopedia of Biblical and Theological Literature, tit. Baptist.

16. That the decree rendered by the chancellor is proper just, and equitable.

THOMAS WILSON,
Solicitor for Complainants and Appellees.